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1 Friday, 3 October 1947

2 - - -

3  
4 INTERNATIONAL MILITARY TRIBUNAL  
5 FOR THE FAR EAST  
6 Court House of the Tribunal  
7 War Ministry Building  
8 Tokyo, Japan

9 The Tribunal met, pursuant to adjournment,  
10 at 0930.

11 - - -

12 Appearances:

13 For the Tribunal, all Members sitting, with  
14 the exception of: HONORABLE JUSTICE HENRI BERNARD,  
15 Member from the Republic of France, not sitting from  
16 0930 to 1600 and HONORABLE JUSTICE E. H. NORTHCROFT,  
17 Member from the Dominion of New Zealand, not sitting from  
18 1330 to 1600.

19 For the Prosecution Section, same as before.

20 For the Defense Section, same as before.

21 - - -

22 (English to Japanese and Japanese  
23 to English interpretation was made by the  
24 Language Section, IMTFF.)  
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1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: With the Tribunal's per-  
4 mission, the accused KIDO will be absent from the  
5 courtroom for the whole of the morning session con-  
6 ferring with his counsel.

7 Mr. Yamaoka.

8 - - -

9 S U E M A S A O K A M O T O, recalled as a witness  
10 on behalf of the defense, resumed the stand and  
11 testified through Japanese interpreters as  
12 follows:

13 MR. YAMAOKA: May it please the Tribunal,  
14 at this time I should like to introduce in evidence  
15 the telegram listed as No. 69 on our order or proof,  
16 defense document 2029.

17 THE PRESIDENT: It is admitted on the usual  
18 terms.

19 CLERK OF THE COURT: Defense document 2029  
20 will receive exhibit No. 3277.

21 (Whereupon, the document above  
22 referred to was marked defense exhibit  
23 No. 3277 and received in evidence.)

24 MR. YAMAOKA: I shall read exhibit 3277:

25 "FROM: Foreign Minister HIROTA.



OKAMOTO

DIRECT

29,522

1 "TO: Ambassador KAWAGOE (China)

2 "Dispatched: August 7, 1937.

3 "Subject: Draft Proposal of the Truce.

4 "No. Code (Machine).

5 "Strictly Secret. Urgent. Exclusive

6 Code for Chiefs of Mission. Departmental Secret.

7 "Separate telegram:

8 "1. The area mostly in Hopei Province on  
9 the east and north of the cities and towns adjacent  
10 to the right bank of the Yungting River and the Hai  
11 River, and six provinces of Chapei will be desig-  
12 nated as a demilitarized zone; and the Tangku Truce  
13 Agreement, etc. will be abrogated. (Needless to  
14 say, the Central Army which is now in Hopei Province  
15 should once evacuate from that province.)  
16

17 "2. Consent to the liquidation of the  
18 Hopei-Chahar (and of the East Hopei administration  
19 as well, according to circumstances) and to the  
20 direct administration of the area by the Nanking  
21 Government.

22 "In connection with the above, the principle  
23 of economic cooperation between Japan and China in  
24 North China to be arranged."

25 There is a certificate attached, which I  
shall not read.

Now, continuing with exhibit 3274 --

THE PRESIDENT: The affidavit of the witness?

MR. YAMAOKA: The affidavit of the present witness, on page 2 of the English copy:

"Mr. KAWAGOYE, the then Japanese Ambassador to China (who had left Shanghai on July 7 or thereabout for Tientsin, and stayed in North China) was not in Shanghai, being on his way back to that city from North China. That was the reason why the above-mentioned telegraphic instructions were addressed to me. Besides, the Japanese Embassy was located in the consulate-general at Shanghai, at that time, and I was holding the post of Counsellor of the Embassy in addition to my post of consul-general.

"Upon receipt of the above telegraphic instructions, I summoned Mr. TSUTSUMI to call on me, and asked him to start for Nanking instantly, to see Mr. Kao Tsung-wu.

"On the following day, August 7, it so happened that Mr. KAWAGOYE returned to Shanghai from North China and saw me at my official residence. I reported the matter to the Ambassador.

"The same evening Mr. FUNATSU returned to



1 Shanghai from Tokyo, and had a consultation with  
2 the Ambassador that night. As a result of the  
3 consultation it was decided that the Ambassador  
4 in person would meet Mr. Kao Tsung-wu.

5 "The conversation between Mr. KAWAGOEY,  
6 the Ambassador, and Mr. Kao, the Director of the  
7 Bureau of Asiatic Affairs, was held on or about  
8 the 10th of August at the Ambassador's official  
9 residence. On that occasion Mr. Kao sought in  
10 his private capacity the Ambassador's opinion on  
11 the speedy settlement of the situation in North  
12 China. The Ambassador thereupon told him that  
13 although he had not yet received instructions from  
14 the Japanese Government to open negotiations in  
15 this connection, it was the policy of the Japanese  
16 Government as well to settle the present unfortu-  
17 nate incident as soon as possible. As for the  
18 terms of settlement, he was of the opinion that  
19 these must after all be of such a nature that  
20 both governments of Japan and China could accept  
21 them from their respective standpoints. He then  
22 set forth his own tentative plan of settlement.

23 "The tentative plan of the Ambassador  
24 was of the same line with the terms mentioned in  
25 the instructions from the Foreign Office, which

1 could be summarized to the following three points:

2 (1) Establishment of demilitarized zones in the  
3 northeast regions of the cities along both banks  
4 of River Paiho. (2) Dissolution of the Chi-chu  
5 Administrative Committee and the Chi-tung Regime.  
6 (3) Economic cooperation between Japan and China  
7 in North China shall be agreed upon.

8 "Copies of these telegrams which were  
9 kept at the Department of Foreign Affairs escaped  
10 fire and are preserved to this day. Detailed in-  
11 formation, therefore, can be obtained from these  
12 copies.

13 "To this Mr. Kao stated that, although  
14 he expected that there might be some difficulties,  
15 he thought that there was a hope of success of  
16 negotiation if the terms were of this nature and  
17 extent. He would therefore go back to Nanking to  
18 consult with his superiors and call on the Amba-  
19 sador again with the result of such consultation.  
20 The contents of these conversations between  
21 Mr. KAWAGOYE and Mr. Kao were revealed to me at  
22 that time by Mr. KAWAGOYE himself. On August 9,  
23 however, First Lieutenant OYAMA was brutally  
24 murdered. A few days after that, Shanghai district  
25 became the scene of armed conflict between the



1 Japanese and Chinese forces. The conversation  
2 between Mr. KAWAGOE and Mr. Kao was interrupted,  
3 in this way, without bearing any fruit."

4 If the Tribunal please, due to an over-  
5 sight I forgot to read into the record exhibit  
6 3276, which was admitted at the very end of the  
7 day yesterday.

8 THE PRESIDENT: Defense document 2028,  
9 No. 68 on the list.

10 MR. YAMAOKA: May I read it?

11 THE PRESIDENT: Yes, you may read it.

12 MR. YAMAOKA: I shall read exhibit 3276:

13 "From: Foreign Minister HIROTA.

14 "To: Ambassador KAWAGOE (China).

15 "Dispatched: August 7, 1937.

16 "Subject: Commencement of Truce Negotia-  
17 tions between Japan and China.

18 "No. Code (Machine).

19 "(Strictly secret. Urgent. Exclusive  
20 code for Chiefs of Mission. Departmental secret.)

21 "1. As a result of active consultations  
22 among the War, Navy and Foreign Ministries on the  
23 means of settling the present situation, it is  
24 now hoped that an agreement will be reached along  
25 the lines set forth in a separate message which is

1 expected to be adopted officially as a govern-  
2 ment policy in the course of a day or two.

3 "2. Meanwhile, from various considera-  
4 tion, as it is highly desirable that the form  
5 should be kept that the initiative of the truce  
6 negotiations came from the Chinese, arrangements  
7 have been made to dispatch FUNAZU at once, as  
8 per my telegram by exclusive code for chiefs of  
9 mission to Shanghai dated the 4th (reinforcements  
10 of three divisions to be dispatched from Japan  
11 are expected to finish their concentration by  
12 August 20th, and we think it very important that  
13 an agreement of some sort should be reached be-  
14 fore that date) who is to see Kao Tsung-wu in  
15 greatest secrecy and inspire into Kao his personal  
16 view that there is a prospect of peaceful settle-  
17 ment and persuade him to approach you with a  
18 proposal of truce. It would be most unwelcome  
19 that Mr. Kao, or the like, should respond by an  
20 indefinite proposal as a mere feeler, as it is  
21 imperative that, if the Chinese make a peace  
22 proposal at all, it should be founded upon a  
23 certain amount of determination on their part. It  
24 seems to me that Kao's proposal to you must be  
25 made with the full understanding of Chiang Kai-shek



1 to a certain extent. (FANAZU is informed of this  
2 last point).

3 "3. In case Kao makes a proposal for  
4 truce negotiations in response to the above ar-  
5 rangement, providing it is made with the under-  
6 standing of Chiang, (a) if our government had  
7 already decided on the policy stated in paragraph  
8 1 and telegraphed instructions to you accordingly,  
9 you may proceed with preliminary conferences with  
10 Kao along the lines of the above policy; (b) or,  
11 if you had not received by that time a telegraph  
12 to the effect that the government had decided on  
13 its policy along the lines above stated, you will  
14 ask for instructions immediately, reporting at the  
15 same time the details of Kao's proposal.

16 "4. Pending the decision by the govern-  
17 ment on its policy, it is necessary from various  
18 considerations that the foregoing should be kept  
19 in strictest secrecy (even from military or naval  
20 attaches) and that utmost care should be taken not  
21 to bring about opposition from outsiders. There-  
22 fore, it is my view that personal contact between  
23 you and FUNAZU had better be avoided for the time  
24 being.  
25

"5. Further, the government is willing,

1 parallel with the above truce negotiations, or  
2 pursuant thereto, to open parleys for the adjust-  
3 ment of diplomatic relations from a standpoint  
4 quite free from past circumstances, and active  
5 consultations among quarters concerned are pro-  
6 gressing. This, too, is expected to be decided  
7 upon in two or three days.

8 "Only a very limited number of persons  
9 even at the top of the army and navy are informed  
10 of this matter, and we are trying to arrive at  
11 a decision first and then to force it through.  
12 In the meantime, the foregoing is strictly for  
13 your personal information.

14 "Transmitted to: Shanghai, together with  
15 separate telegram."

16 You may now cross-examine.

17 MR. COMYNS CARR: May it please the  
18 Tribunal, the prosecution does not propose to  
19 cross-examine this witness.  
20  
21  
22  
23  
24  
25



1 THE PRESIDENT: You don't want this witness  
2 further today; he is released on the usual terms.

3 MR. YAMAOKA: If the Tribunal please, there  
4 is one other matter concerning this witness. I  
5 specifically refer to No. 65 on our order of proof.  
6 The Tribunal will undoubtedly recall that this witness  
7 OKAMOTO has previously testified in the case, from  
8 page 21,144 of the record, and that his previous affi-  
9 davit was admitted in evidence as exhibit 2515. Owing  
10 to objections by the prosecution, certain portions  
11 of this exhibit were omitted. I particularly refer to  
12 paragraphs 6 and 7 of said exhibit. The prosecution's  
13 objection was that these paragraphs should be deleted  
14 since they purported to give the contents of a docu-  
15 ment not produced or accounted for, and the objection  
16 was sustained by the Tribunal.

17 No. 66 on our order of proof, defense document  
18 2541, is offered in evidence, being the affidavit of  
19 HAYASHI, Kaoru, of the Foreign Office, showing that  
20 the original as well as copies of the telegram of  
21 Foreign Minister HIROTA addressed to this witness and  
22 referred to in exhibit 2515 were lost in the fire dur-  
23 the war and cannot presently be found in the files of  
24 the Foreign Office.  
25

We, therefore, request, in the light of this

1 affidavit, permission to read into evidence paragraphs  
2 6 and 7 of said exhibit.

3 Accordingly, I now offer in evidence defense  
4 document 2541.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Defense document 2541  
7 will receive exhibit No. 3278.

8 (Whereupon, the document above  
9 referred to was marked defense exhibit  
10 No. 3278 and received in evidence.)

11 MR. YAMAOKA: Now, referring to paragraphs  
12 No. 6 and 7 in the English copy of exhibit 2515,  
13 which I shall read for the purpose of the record--

14 THE PRESIDENT: Admitted on the usual terms.  
15 There is no objection now, I understand. It is still  
16 part of exhibit 2515. We will not give it a separate  
17 number.

18 MR. YAMAOKA: Yes. I shall read paragraphs  
19 6 and 7:

20 "6) On July 7, 1937, the Marco Polo Bridge  
21 Incident broke out. It brought serious anxiety to  
22 the Chinese and foreigners at Shanghai.

23 "At that time, the HAYASHI Cabinet had already  
24 fallen and Prince KONOYE formed a cabinet. The  
25 Foreign Minister was Mr. HIROTA. A few days after the



1. outbreak of the incident, I received instructions by  
2. telegraph from the government.

3. "The instructions were as follows: 'The  
4. government is maintaining the policy of local solution  
5. and of no-enlargement of this incident. You shall  
6. take all possible means to prevent any incidents at  
7. Shanghai.' Instructions bearing the same import  
8. reached my hands on two or three successive occasions.

9. "7) Answering the anxious inquiries from  
10. the Chinese, the foreigners and from consuls, I  
11. explained the spirit of the instruction from the govern-  
12. ment, and told them that I could assure them, in view  
13. of the local solution policy of the government, the  
14. incident would not spread to Shanghai."

15. I desire to announce, if the Tribunal please,  
16. that No. 70 and 71 on our order of proof, defense  
17. documents 2156 and 2169, respectively, are withdrawn.

18. THE PRESIDENT: Is he to be cross-examined  
19. on his first affidavit, the two paragraphs just  
20. admitted?

21. MR. COMYNS CARR: No, your Honor.

22. MR. YAMAOKA: May the witness be released on  
23. the usual terms?

24. THE PRESIDENT: He is released accordingly.

25. (Whereupon, the witness was excused.)

1 MR. YAMAOKA: We offer in evidence another  
2 excerpt from the diary of Ambassador Grew, dated  
3 August 6, 1936, being defense document 206-D(4).

4 THE PRESIDENT: Mr. Brown.

5 MR. BROWN: Your Honor, the prosecution  
6 objects to part of this document. We object to the  
7 whole of this document except paragraph 1.

8 It will be seen that apart from the very short  
9 second paragraph, which has no point unless the rest  
10 follows, the whole of the rest of the document is  
11 merely opinion. It starts, "I have come to the follow-  
12 ing conclusions."

13 MR. YAMAOKA: If the Tribunal please, this  
14 discloses the activities of the British and American  
15 authorities relative to the situation in August, 1937;  
16 and we thought that this evidence would be--

17 THE PRESIDENT: But the first paragraph is all  
18 that really shows the operation of the British  
19 Ambassador. The rest records his views.

20 MR. YAMAOKA: We present it in the hope that  
21 it will be helpful to the Tribunal in understanding  
22 the situation.

23 THE PRESIDENT: The objection is upheld, and  
24 the document admitted as to the first paragraph only,  
25 on the usual terms.



1 CLERK OF THE COURT: Defense document 206-D(4)  
will receive exhibit No. 3279.

2 THE PRESIDENT: That is a majority decision.

3 (Whereupon, the document above  
4 referred to was marked defense exhibit  
5 No. 3279 and received in evidence.)

6 MR. YAMAOKA: I shall read exhibit 3279 as  
7 admitted, omitting the title.

8 "August 6, 1937.

9  
10 "The British Government, repeating suggestions  
11 made to our London Ambassador on July 28, now proposes  
12 an Anglo-American offer of good offices to both the  
13 Japanese and the Chinese in providing neutral ground  
14 where plenipotentiaries could meet and in helping to  
15 smooth out such difficulties as might occur in the  
16 negotiations arrangements for withdrawing the troops  
17 to follow, but before acting they wanted Dodds' and my  
18 opinion as to the probable reaction in Japan to such  
19 an offer."

20 We now offer in evidence defense documents  
21 listed as follows: 2030, corrected copy, 2031, 2032,  
22 2065 and 2066. These five telegrams are all part of  
23 a connected instruction of Foreign Minister HIROTA to  
24 the Japanese Ambassador in China for truce negotiations  
25 with the Chinese Government.

THE PRESIDENT: Admitted on the usual terms.

CLERK OF THE COURT: Defense document 2030 will receive exhibit No. 3280. Defense document 2031 will receive exhibit No. 3280-A. Defense document 2032 will receive exhibit No. 3280-B. Defense document 2065 will receive exhibit No. 3280-C. Defense document 2066 will receive exhibit No. 3280-D.

(Whereupon, defense documents No. 2030, 2031, 2032, 2065 and 2066 were marked defense exhibits No. 3280, 3280-A, 3280-B, 3280-C, and 3280-D, respectively, and received in evidence.)

MR. YAMAOKA: If the Tribunal please, I shall read exhibit 3280.

"From: Foreign Minister HIROTA.

"To: Ambassador KAWAGOE (China).

"Dispatched: August 8, 1937.

"Subject: Truce Negotiation.

"No. 169 Code (Strictly Secret. Urgent. To Be Treated as Message in Exclusive Code for Chiefs of Mission).

"1. The object of dispatching Imperial troops to North China is as set forth in the cabinet resolution of July 11, and although we were forced subsequently by unlawful acts of the 29th Army to drive



1 it out, a punitive expedition itself is no part of our  
2 intention.

3 "Should the Chinese be brought to reflect and  
4 sue for peace, realizing what ought to be the normal  
5 course of Sino-Japanese relations, it should be the  
6 generous attitude of our Empire, which considers itself  
7 a stabilizing force in the Orient, to show appreciation  
8 of their attitude and to cooperate with China for the  
9 brightening of the relations between the two countries,  
10 giving due consideration to the standpoint of the Nan-  
11 king Government and extending a helping hand where it  
12 finds itself in difficulties.

13 "Hence, on the 7th, it was agreed among the  
14 War, Navy and Foreign Ministries that not only will  
15 the Chinese peace proposal be entertained along the  
16 lines set forth in separate telegram No. 170, but  
17 also to take one big stride towards the improvement  
18 of Sino-Japanese relations with the present incident  
19 as a turning point.

20  
21 "2. Accordingly, when the Chinese make a  
22 proposal of truce, if you are convinced that it is in  
23 good faith, you may enter into negotiations, bearing  
24 in mind the instructions in the separate telegram (you  
25 will see, if possible, that the Chinese make the first  
move), and report the manner of their approach and ask

1 for instructions. As the Chinese seem to have come at  
2 long last to talk of the recognition of Manchukuo, it  
3 will be all the better if they can be persuaded with  
4 one stroke to recognize Manchukuo at this time.

5 "3. Since separate telegram No. 170  
6 expresses our innermost mind, you are requested, while  
7 dealing, to keep it to yourself as far as possible and  
8 first try to lead the negotiations as favorably for  
9 us as possible. But as you will naturally understand,  
10 the broadminded policy of our government will probably  
11 be beyond the expectation of the Chinese themselves and  
12 is worthy of winning the respect of the whole world  
13 for the fair and disinterested attitude of our Empire.  
14 Therefore, you will first see to bringing home to the  
15 Chinese the underlying thoughts of our proposal.

16 "Transmitted to: Shanghai, together with  
17 separate telegrams No. 170, 171 and 172."  
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I shall now read exhibit 3280-A:

"FROM: FOREIGN MINISTER HIROTA

"TO: AMBASSADOR KAWAGOE (CHINA)

"DISPATCHED: August 8, 1937

"SUBJECT: CONDITIONS OF TRUCE NEGOTIATIONS

"No. 170 CODE (STRICTLY SECRET. TO BE

HANDLED IN THE SAME MANNER AS MESSAGE IN EXCLUSIVE

CODE FOR CHIEFS OF MISSION)

"Separate Telegram:

"A. Establishment of a demilitarized zone.

"The following will be designated as demilitarized zones, within which no Chinese troops are to be stationed.

"In these areas, peace will be maintained by a peace preservation corps. The number and equipments of this corps will be stipulated separately.

"Notes

"Plan No. 1

"Area to the east and north of the line connecting Tehua, Changpei, Kwailai, Mentoukou, Kuan, Yungching, Hsinan, Choliuchen, Hsinnungchen, and Kaoshachen, inclusive. (It goes without saying that this is the plan to be presented first.)

"Plan No. 2

"Kwailai in Plan No. 1 to be substituted by

1 Lungmen and Yenching.

2 "Plan No. 3

3 "Area to the east and north of the line,  
4 inclusive, connecting Tehua, Changpei, Kwailai, and  
5 Mentoukou and the area adjoining same on the left bank  
6 of the Yungting River and the Hai River with Hopei  
7 Province (including Chiangshingtien, the neighboring  
8 hills and the area surrounding Tientsing).

9 "Plan No. 4

10 "Kwailai in Plan No. 3 is substituted by  
11 Lungmen and Yenching.

12 "B. The limit of our concession.

13 "(1) To indicate, if necessary, that we have  
14 an intention to voluntarily reduce the number of our  
15 troops as much as possible, within the extent of the  
16 number at the time of the outbreak of the Incident.

17 "(2) Abrogation of the Tangku Truce (includ-  
18 ing all commitments resting upon it), the DOHIHARA-  
19 Chin Te-Chun Agreement and the UMEZO-Ho Ying-chin  
20 Agreement, with the exception of all understandings  
21 based upon the Peiping Arrangement, namely: relative  
22 to a) taking over of all the gateways of the Great  
23 Wall; b) vehicular communication; c) establishment  
24 of customs; d) opening of postal service; e) avi-  
25 ation; and f) promises to rigidly suppress anti-



1 for instructions. As the Chinese seem to have come at  
2 long last to talk of the recognition of Manchukuo, it  
3 will be all the better if they can be persuaded with  
4 one stroke to recognize Manchukuo at this time.

5 "3. Since separate telegram No. 170  
6 expresses our innermost mind, you are requested, while  
7 dealing, to keep it to yourself as far as possible and  
8 first try to lead the negotiations as favorably for  
9 us as possible. But as you will naturally understand,  
10 the broadminded policy of our government will probably  
11 be beyond the expectation of the Chinese themselves and  
12 is worthy of winning the respect of the whole world  
13 for the fair and disinterested attitude of our Empire.  
14 Therefore, you will first see to bringing home to the  
15 Chinese the underlying thoughts of our proposal.

16 "Transmitted to: Shanghai, together with  
17 separate telegrams No. 170, 171 and 172."  
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I shall now read exhibit 3280-A:

"FROM: FOREIGN MINISTER HIROTA

"TO: AMBASSADOR KAWAGOE (CHINA)

"DISPATCHED: August 8, 1937

"SUBJECT: CONDITIONS OF TRUCE NEGOTIATIONS

"No. 170 CODE (STRICTLY SECRET. TO BE

HANDLED IN THE SAME MANNER AS MESSAGE IN EXCLUSIVE  
CODE FOR CHIEFS OF MISSION)

"Separate Telegram:

"A. Establishment of a demilitarized zone.

"The following will be designated as demilitarized zones, within which no Chinese troops are to be stationed.

"In these areas, peace will be maintained by a peace preservation corps. The number and equipments of this corps will be stipulated separately.

"Notes

"Plan No. 1

"Area to the east and north of the line connecting Tehua, Changpei, Kwailai, Mentoukou, Kuan, Yungching, Hsinan, Choliuchen, Hsinnungchen, and Kaoshachen, inclusive. (It goes without saying that this is the plan to be presented first.)

"Plan No. 2

"Kwailai in Plan No. 1 to be substituted by



1 Lungmen and Yenching.

2 "Plan No. 3

3 "Area to the east and north of the line,  
4 inclusive, connecting Tehua, Changpei, Kwailai, and  
5 Mentoukou and the area adjoining same on the left bank  
6 of the Yungting River and the Hai River with Hopei  
7 Province (including Chiangshingtien, the neighboring  
8 hills and the area surrounding Tientsing).

9 "Plan No. 4

10 "Kwailai in Plan No. 3 is substituted by  
11 Lungmen and Yenching.

12 "B. The limit of our concession.

13 "(1) To indicate, if necessary, that we have  
14 an intention to voluntarily reduce the number of our  
15 troops as much as possible, within the extent of the  
16 number at the time of the outbreak of the Incident.

17 "(2) Abrogation of the Tangku Truce (includ-  
18 ing all commitments resting upon it), the DOHIHARA-  
19 Chin Te-Chun Agreement and the UMEZO-Ho Ying-chin  
20 Agreement, with the exception of all understandings  
21 based upon the Peiping Arrangement, namely: relative  
22 to a) taking over of all the gateways of the Great  
23 Wall; b) vehicular communication; c) establishment  
24 of customs; d) opening of postal service; e) avi-  
25 ation; and f) promises to rigidly suppress anti-

1 Lungmen and Yenching.

2 "Plan No. 3

3 "Area to the east and north of the line,  
4 inclusive, connecting Tehua, Changpei, Kwailai, and  
5 Mentoukou and the area adjoining same on the left bank  
6 of the Yungting River and the Hai River with Hopei  
7 Province (including Chiangshingtien, the neighboring  
8 hills and the area surrounding Tientsing).

9 "Plan No. 4

10 "Kwailai in Plan No. 3 is substituted by  
11 Lungmen and Yenching.

12 "B. The limit of our concession.

13 "(1) To indicate, if necessary, that we have  
14 an intention to voluntarily reduce the number of our  
15 troops as much as possible, within the extent of the  
16 number at the time of the outbreak of the Incident.

17 "(2) Abrogation of the Tangku Truce (includ-  
18 ing all commitments resting upon it), the DOHIHARA-  
19 Chin Te-Chun Agreement and the UMEZO-Ho Ying-chin  
20 Agreement, with the exception of all understandings  
21 based upon the Peiping Arrangement, namely: relative  
22 to a) taking over of all the gateways of the Great  
23 Wall; b) vehicular communication; c) establishment  
24 of customs; d) opening of postal service; e) avi-  
25 ation; and f) promises to rigidly suppress anti-



1 Japanese movements and resistance and to prevent  
2 communization in those demilitarized areas.

3 "(3) Consent to liquidation of the Hopei-  
4 Chahar and East Hopei regimes and committing those  
5 areas to the free administration of the Nanking Govern-  
6 ment, proving the administrative heads of these areas  
7 should be men of prestige fitted for the attainment  
8 of Sino-Japanese reconciliation.

9 "In this connection, principles of economic  
10 co-operation between Japan and China in North China  
11 to be agreed on. This co-operation should, of course,  
12 take the form of joint enterprises and other similar  
13 plans, standing on the basis of equality between Japan  
14 and China. (NOTE: This item, especially the liqui-  
15 dation of the East Hopei regime, being a great con-  
16 cession on our part, consideration should be given to  
17 utilizing it to the fullest extent for bargaining  
18 purposes.)

19 "C. The UMEZO-Ho Ying-chin Agreement, though  
20 to be abrogated under B, still being effective pending  
21 the consummation of the present negotiations, the  
22 Chinese should withdraw their troops from Hopei Prov-  
23 ince where they are now stationed, in manifestation of  
24 their good faith.

25 "D. Parallel to the truce parleys under A,

1 B, and C above, it is requested that the Chinese should  
2 promise to enter into a negotiation with a view to ad-  
3 justing Sino-Japanese relations unfettered by all past  
4 circumstances. The plan for this latter negotiation  
5 will be forwarded by a separately.

6 "Remarks:

7 "1. As soon as the withdrawal of the Chinese  
8 troops from the demilitarized areas and the evacuation  
9 of the Central Army from Hopei Province is completed,  
10 upon the consummation of the truce between Japan and  
11 China, voluntary withdrawal of our troops will follow.  
12 Upon the conclusion of the truce, we will announce in  
13 a suitable manner our intention of withdrawing our  
14 troops.

15 "2. It is further proposed that, upon the  
16 completion of the truce parley, both Japan and China  
17 should issue a statement to the effect that they are  
18 entering an era of a 'new deal' sincerely devoted to  
19 amity between the two countries, setting aside all  
20 past occurrences."

21 I shall read exhibit 3280-B:

22 "FROM: FOREIGN MINISTER HIROTA

23 "TO: AMBASSADOR KAWAGOE (CHINA)

24 "DISPATCHED: August 8, 1937

25 "SUBJECT: TRUCE NEGOTIATION



1 B, and C above, it is requested that the Chinese should  
2 promise to enter into a negotiation with a view to ad-  
3 justing Sino-Japanese relations unfettered by all past  
4 circumstances. The plan for this latter negotiation  
5 will be forwarded by a separately.

6 "Remarks:

7 "1. As soon as the withdrawal of the Chinese  
8 troops from the demilitarized areas and the evacuation  
9 of the Central Army from Hopei Province is completed,  
10 upon the consummation of the truce between Japan and  
11 China, voluntary withdrawal of our troops will follow.  
12 Upon the conclusion of the truce, we will announce in  
13 a suitable manner our intention of withdrawing our  
14 troops.

15 "2. It is further proposed that, upon the  
16 completion of the truce parley, both Japan and China  
17 should issue a statement to the effect that they are  
18 entering an era of a 'new deal' sincerely devoted to  
19 amity between the two countries, setting aside all  
20 past occurrences."

21 I shall read exhibit 3280-B:

22 "FROM: FOREIGN MINISTER HIROTA

23 "TO: AMBASSADOR KAWAGOE (CHINA)

24 "DISPATCHED: August 8, 1937

25 "SUBJECT: TRUCE NEGOTIATION

1 "No. 171 CODE (STRICTLY SECRET. URGENT.  
2 TO BE HANDLED IN THE SAME MANNER AS MESSAGE IN EX-  
3 CLUSIVE CODE FOR CHIEFS OF MISSION)

4 "Explanation to separate telegram No. 170:

5 "1. The purpose of proposing the line con-  
6 necting Mentoukou, Chochu, Kuan .... Kaoshachen is to  
7 include the strategically important hills on the right  
8 bank of the Yungting and Hai Rivers and all important  
9 points such as Tientsin and Taku.

10 "2. As for the withdrawal of the Central  
11 Army set forth under C, it is only natural that we  
12 should demand first of all this step, inasmuch as we  
13 have always insisted that the presence of the Central  
14 Army in Hopei Province is in violation of the UMEZO-  
15 Ho Ying-chin Agreement. Hence, no truce parley can  
16 materialize so long as this requirement is not carried  
17 out!

18 "3. As for the liquidation of the East Hopei  
19 regime, the Army was very reluctant to agree but  
20 finally gave in, being persuaded that this might help  
21 in directing the negotiation to our advantage. You  
22 are requested to pay special attention to this point  
23 referred to in the note to (B).

24 "4. As for the negotiation for the adjustment  
25 of Sino-Japanese relations under D, it would be most



1 desirable to carry it on side by side with the truce  
2 parley, if there is a prospect of quick agreement.  
3 However, it is extremely undesirable that the truce  
4 parley should be delayed on account of the negotiation  
5 for the adjustment of diplomatic relations, causing  
6 unexpected complications and setting all to naught.  
7 You are requested to bear this point particularly in  
8 mind."

9 I shall now read exhibit 3280-C:

10 "FROM: FOREIGN MINISTER HIROTA

11 "TO: AMBASSADOR KAWAGOE (CHINA)

12 "DISPATCHED: August 8, 1937

13 "SUBJECT: OUTLINE OF THE PLAN FOR OVERALL  
14 ADJUSTMENT OF SINO-JAPANESE RELATIONS

15 "No. 172 CODE (STRICTLY SECRET. URGENT.  
16 TO BE HANDLED IN THE SAME MANNER AS MESSAGE IN EX-  
17 CLUSIVE CODE FOR CHIEFS OF MISSION)

18 "1. Political Affairs.

19 "(1) China is to recognize Manchukuo, or  
20 else to make a tacit promise not to make an issue of  
21 Manchukuo henceforth. (It is preferable, depending  
22 upon the attitude of China, to make this one of the  
23 conditions of the truce mentioned in my telegram No.  
24 170.)  
25

"(2) Conclusion of an anti-communist pact

1 between Japan and China. (The prevention of communism  
2 in the demilitarized area will be covered by this, but  
3 particularly rigid enforcement is required within this  
4 area.)

5           "(3) Beside the liquidation of East Hopei  
6 and Hopei-Chahar as a condition of the truce, Japan is  
7 ready to discuss with the Nanking Government the sub-  
8 ject of Inner Mongolia and Suiyuan, and in case they  
9 admit our just demands (mostly covered by (2) above),  
10 we will not insist on excluding the influence of Nan-  
11 king from these areas.

12           "(4) China is to suppress rigorously anti-  
13 Japanese movements and resistance to Japan throughout  
14 the country and enforce to the letter the 'good  
15 neighbor policy.' (Needless to say that control of  
16 anti-Japanese movements and resistance to Japan in the  
17 demilitarized area should be enforced with particular  
18 rigor.)

19  
20           "2. Military Affairs.

21           "(1) Abrogation of the Shanghai Truce Agree-  
22 ment. (In case the Chinese wish this to be fully  
23 utilized for bargaining with regard to the whole  
24 negotiation.)

25           "(2) Desistance from arbitrary aviation.

          "3. Economy Affairs.



1                   "(1) Reduction of tariff rates of certain  
2 commodities.  
3

4                   "(2) Abolishment of special trade of East  
5 Hopei, as a matter of course, and recovery by the  
6 Chinese of the freedom to control smuggling on the sea  
7 belonging to the demilitarized area.

8                   "(3) Promotion of the normal increase and  
9 development of economic contact and trade between both  
10 countries."  
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1 I shall now read exhibit 3280-D:

2 "From: Foreign Minister HIROTA

3 "To : Ambassador KAWAGOE (China)

4 "Dispatched: August 8, 1937

5 "Subject: Truce Negotiations

6 "No. 175 Code (Strictly Secret. Urgent. To  
7 be handled in the same manner as message in exclusive  
8 code for Chiefs of Mission. Departmental Secret.)

9 "Reference my telegram No. 170. Strictly for  
10 your personal information. (Reference to this telegram  
11 to be avoided.)

12 "1. As the War Minister keeps the plans for  
13 truce and for the adjustment of diplomatic relations  
14 under closest secrecy, owing to the existence of strong  
15 opposition among the military, and as only the Vice-  
16 Minister, Director of the Military Affairs Bureau, Chief  
17 of the Military Affairs Section and a very limited number  
18 of the highest officers of the General Staff are taken  
19 into confidence, you will bear this in mind and treat  
20 these as strictest departmental secrets.

21 "2. Plan No. 1 under A of my telegram No. 170  
22 is an ideal plan. We might content ourselves finally  
23 with agreement upon plans No. 3 or No. 4 (in that case,  
24 to put on the form that we conceded to the insistence of  
25 the Chinese).



1 "3. If the Chinese desire to fix a term with  
2 respect to the establishment of a demilitarized zone  
3 under A of my telegram No. 177, we are prepared to con-  
4 sider it.

5 "Transmitted To: Shanghai."

6 We offer in evidence defense document 206-D(6).  
7 This is also part of the diary of Ambassador Grew dated  
8 September 20, 1937 and shows the attitude of Mr. HIROTA  
9 in the face of American representations about bombing  
10 operations in China. I shall read only the last para-  
11 graph.

12 THE PRESIDENT: Mr. Brown.

13 MR. BROWN: Your Honor, the prosecution objects  
14 to part of this document. The part to which we object  
15 is the last half of the second paragraph, beginning with  
16 the words "Of course it is these young hotheads..." That,  
17 in our submission, is pure opinion.

18 THE PRESIDENT: Yes, it purports to fix the  
19 responsibility which is really for us.

20 MR. YAMAOKA: If the Tribunal please, with  
21 great respect I submit that Ambassador Grew here is  
22 merely stating the conditions as he then saw them.

23 THE PRESIDENT: It is only that one sentence  
24 that seems to be objectionable, relating to the  
25 "hotheads."

1 MR. YAMAOKA: If the Tribunal please, I am  
2 perfectly agreeable to the deletion of that sentence.

3 THE PRESIDENT: You are asking for the admission  
4 of only the second paragraph, with that sentence deleted.

5 The second paragraph, with that sentence  
6 deleted, is admitted on the usual terms.

7 CLERK OF THE COURT: Defense document 206-D(6)  
8 will receive exhibit 3281.

9 (Whereupon, the document above re-  
10 ferred to was marked defense exhibit No. 3281  
11 and received in evidence.)

12 MR. YAMAOKA: If the Tribunal please, I shall  
13 read exhibit 3281 as admitted:

14 "September 20, 1937 Kawana

15 "Evidently these representations made an  
16 impression because HIROTA went to see the Emperor early  
17 the next morning and later we began to notice concrete  
18 indications that the Government was getting disturbed  
19 about the effects of the indiscriminate bombings and  
20 were taking steps to control the aviators. Probably  
21 as a result of our representations and of the reactions  
22 they are getting from abroad, the Government later sent  
23 an admiral down to Shanghai to discuss this situation  
24 with HASEGAWA, the Commander in Chief, and word was  
25 sent out that there would be no further bombing of



1 Nanking after September 25."

2 We offer in evidence defense document 206-D(7),  
3 a further excerpt from the diary of Ambassador Grew  
4 dated September 20, 1937, which shows the attitude of  
5 Mr. HIROTA in the face of American representations and  
6 reports the conversation between them.

7 THE PRESIDENT: Mr. Brown.

8 MR. BROWN: Your Honor, the prosecution objects  
9 to part of this document. We object, in fact, to the  
10 last paragraph as containing merely opinion in the  
11 second part of it; and the first part of that last  
12 paragraph, in our submission, is immaterial.

13 MR. YAMAOKA: If the Tribunal please, I  
14 respectfully submit that this is proper evidence before  
15 this Tribunal.

16 THE PRESIDENT: The objection is overruled  
17 and the document admitted on the usual terms.

18 CLERK OF THE COURT: Defense document 206-D(7)  
19 will receive exhibit No. 3282.

20 (Whereupon, the document above re-  
21 ferred to was marked defense exhibit No. 3282  
22 and received in evidence.)

23 MR. YAMAOKA: I shall read exhibit No. 3282:  
24 "STRONG WORDS TO A HELPLESS GOVERNMENT  
25 "September 20, 1937

1            "My conversation with the Minister for Foreign  
2 Affairs at his official residence at 6 o'clock this  
3 evening was prefaced by a word of appreciation from me  
4 with regard to the arrangements made by the Japanese  
5 authorities to avoid bombing the Hankow-Canton railway  
6 during the evacuation of Americans on September 22 and  
7 26. The Minister inquired if I had received his note  
8 concerning the bombing of the American missionary hospital  
9 at Waichow, to which I replied in the affirmative and  
10 expressed further appreciation of the Minister's ex-  
11 pressions of regret and the offer to consider indemnifi-  
12 cation.

13            "I then turned to the announced plans of the  
14 Japanese naval forces to bomb Nanking commencing tomorrow  
15 at noon, and I made to the Minister the most emphatic  
16 and earnest representations with regard to the serious  
17 danger to which foreign diplomatic establishments and  
18 personnel, as well as other noncombatants, would inevitably  
19 be subjected if such a course is pursued. I spoke of  
20 the very serious effect which would be produced in the  
21 United States on the American Government and people if  
22 some accident should occur in connection with those  
23 operations, and I then spoke of the steadily mounting  
24 feeling which is developing in the United States and  
25 in other countries against Japan, which by her course



1 of action is laying up for herself among the peoples  
2 of the world a liability of distrust and suspicion,  
3 popular antipathy, and the possibility of Japan's  
4 becoming ostracized from the family of nations. I said  
5 to the Minister that the good will between our countries  
6 which he and I had been building up during these past  
7 years was rapidly dissolving as a result of Japan's  
8 action in China and that while the American people are  
9 patient they are nevertheless easily aroused by some  
10 serious incident involving their legitimate interests  
11 abroad, and that I am constantly dreading the effects  
12 in my country which would undoubtedly be called forth  
13 if as a result of Japanese operations in China some  
14 serious incident should occur which the American people  
15 would feel had touched their honor.

16 "I then spoke earnestly of the Minister's own  
17 responsibility for guiding Japan's foreign relations  
18 and for restraining the Japanese naval and military  
19 forces in China from their course of action which is  
20 rapidly causing Japan to lose the world's good will  
21 and is building up abroad an almost universal sentiment  
22 of antagonism against his country. I said that the  
23 military and naval forces did not understand and appeared  
24 not to care about Japan's foreign relations and her  
25 position in the world and it was therefore his own

1 responsibility to guide the course of action which is  
2 now being pursued in China. The force and directness  
3 of my statements and appeal left nothing whatever to  
4 Mr. HIROTA's imagination. I tried to bring home to  
5 the Minister with maximum effect the certain reper-  
6 cussion which would occur in the United States if some  
7 serious accident involving American interests were to  
8 happen in connection with the proposed bombing of Nanking.

9 "Mr. HIROTA made no effort to counter my  
10 observations, but listened gravely and silently through-  
11 out my talk. When I had finished he observed that four  
12 hours ago from Tokyo he had ordered the naval command  
13 in China to make every effort to avoid injury to the  
14 foreign diplomatic establishments or to noncombatants  
15 in Nanking in connection with the proposed bombing  
16 operations. I said that the afternoon press had reported  
17 that certain bombing operations in Nanking had already  
18 occurred yesterday, but the Minister said that these  
19 were unimportant and far away from the diplomatic  
20 establishments. With regard to the warning by the  
21 Japanese Navy that the bombing operations would commence  
22 at noon on September 21, the Minister volunteered the  
23 opinion that the warning was 'too short.'

24 "Although I talked to the Minister today with  
25 an emphasis and directness unprecedented since my



arrival in Japan, he gave no indication of resentment.

1 His demeanor was naturally graver than usual and he  
2 appeared to me to receive my observations rather sadly  
3 but without any effort whatever at rebuttal. While  
4 recent developments indicate that he has made and is  
5 making efforts to avoid antagonizing the United States  
6 by cautioning the military and naval forces in  
7 individual local issues, we must reluctantly face the  
8 fact that the civil government in Tokyo has very little  
9 influence with these forces where their general objectives  
10 are concerned."

11 I desire to announce, if the Tribunal please,  
12 that No. 80 on our order of proof, defense document  
13 2507, is hereby withdrawn, being that it is similar to  
14 exhibit 3262 which was introduced into evidence by the  
15 prosecution yesterday during the cross-examination of  
16 the witness HORINOUCI.

17 We offer in evidence defense document 206-D(11)  
18 another excerpt from Ambassador Grew's diary dated  
19 October 21 and 22, 1937 to show the circumstances  
20 surrounding the declination on the part of Japan of the  
21 invitation to the Brussels Conference.

22 THE PRESIDENT: Mr. Brown.

23 MR. BROWN: Your Honor, the prosecution objects  
24 to this document as repetitive. My learned friend  
25

1 has just informed the Tribunal that the document is  
2 put in in order to inform the Tribunal as to the reasons  
3 for which the Japanese Government refused to attend  
4 the Brussels Conference. In our submission, there is  
5 already ample evidence on that point.

6 MR. YAMAOKA: If the Tribunal please, I  
7 particularly desire to indicate that the last part of the  
8 first paragraph I do not believe has been amply covered  
9 as yet.

10 THE PRESIDENT: Mr. Brown.

11 MR. BROWN: Your Honor, in our submission,  
12 that part to which my learned friend refers is irrelevant  
13 and also extremely vague.

14 MR. YAMAOKA: If the Tribunal please, I believe  
15 the statement is clear and discloses one of the principle  
16 reasons why the invitation was refused.

17 THE PRESIDENT: By a majority the objection is  
18 overruled and the document admitted on the usual terms.

19 CLERK OF THE COURT: Defense document 206-D(11)  
20 will receive exhibit No. 3283.

21 (Whereupon, the document above re-  
22 ferred to was marked defense exhibit No. 3283  
23 and received in evidence.)  
24  
25



1 MR. YAMAOKA: I shall read exhibit 3283:

2 "JAPAN REFUSES TO ATTEND THE BRUSSELS  
3 CONFERENCE

4 "October 21, 1937

5 "A diplomatic colleague said that he had  
6 yesterday made renewed representations to HIROTA,  
7 repeating the representations made on October 15, in  
8 an effort to persuade the Japanese Government to par-  
9 ticipate in the Nine-Power Conference at Brussels.  
10 He advanced the argument that the Japanese case had  
11 gone by default at Geneva and that Brussels would offer  
12 a further opportunity to present Japan's case, which  
13 would be carefully considered by the assembled powers  
14 who wished above all to be helpful toward arriving at  
15 a peaceful settlement of the Sino-Japanese hostilities.  
16 The Minister replied that since his last talk with the  
17 Ambassador he had consulted a great number of promi-  
18 nent people here and that the sentiment against par-  
19 ticipation in the conference, especially among the  
20 leaders of the political parties, was practically  
21 unanimous. However, as no invitation had yet been  
22 received, no final decision had yet been reached.

23 "October 22, 1937

24 "YOSHIZAWA told Dooman yesterday that so far  
25 as the Foreign Office was concerned, the Nine-Power

1 Conference invitation would definitely be declined,  
2 and that a favorable reply could not be expected so  
3 long as the invitation did not specify that the Con-  
4 ference does not arise out of the League of Nations  
5 resolution and the American Government's announcement  
6 of October 6."

7 We offer in evidence another excerpt from  
8 Ambassador Grew's diary, dated November 16, 1937,  
9 being defense document 206-D(14), reporting a con-  
10 versation with Foreign Minister HIROTA.

11 THE PRESIDENT: Admitted on the usual terms.

12 CLERK OF THE COURT: Defense document  
13 206-D(14) will receive exhibit No. 3284.

14 (Whereupon, the document above  
15 referred to was marked defense exhibit  
16 No. 3284 and received in evidence.)  
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1 MR. YAMAOKA: I shall read exhibit 3284:

2 "HIROTA ACCUSES AMERICA OF INITIATING AN  
3 ANTI-JAPANESE FRONT.

4 "November 16, 1937.

5 "HIROTA's talk with me was along the follow-  
6 ing lines: according to reports received from Brussels  
7 it appears that the draft final resolution contem-  
8 plates united action against Japan; the Minister has  
9 seen only the original draft and doesn't know if it  
10 was passed without alteration or amendment, but if it  
11 does call for united action he fears that a very un-  
12 fortunate effect on Japanese public opinion will be  
13 created; 'united action' would appear to imply some  
14 sort of sanctions, such as an economic boycott, and  
15 far from helping to stop the hostilities, such action  
16 would merely encourage the Chinese and would result in  
17 indefinitely prolonging them. According to informa-  
18 tion received through the diplomatic representative  
19 of 'a certain power,' the United States not only took  
20 the initiative in proposing the Brussels Conference  
21 but is also taking the active leadership there.

22  
23 "HIROTA said that these rumors were sure to  
24 appear soon in the Japanese press and that they would  
25 have a very unfortunate effect. Hitherto the Japan-  
ese public have felt that the country foremost in

1 developing a solid front against Japan was Great Brit-  
2 ain, but if the press were now to report that the  
3 leadership at Brussels was being taken by the United  
4 States, the onus would be largely shifted to American  
5 shoulders. As the Minister had often told me, good  
6 relations with the United States were his fundamental  
7 policy and he greatly 'feared' the results of the  
8 possible developments which he had described. Up to  
9 recently the Japanese felt that America was the only  
10 country whose impartiality during the Sino-Japanese  
11 hostilities had been genuine; the impartiality of all  
12 of the other countries was doubted, owing to their  
13 special interest in China, but owing to the position  
14 taken by the United States it was felt that we might  
15 play an important role in helping to bring about peace  
16 just as we had done in the Russo-Japanese war, as being  
17 the most impartial of all the friends of Japan. This  
18 situation had been somewhat altered by the speech of  
19 the President in Chicago, but in the President's  
20 address to Congress he had omitted mention of the Far  
21 East and this had given the Japanese public the im-  
22 pression that the attitude of the United States was  
23 perhaps not quite so 'strict' as had at first been  
24 feared.  
25

"HIROTA then went on to say that the



1 Japanese campaign in China is going along smoothly  
2 and although the army can carry on if they consider  
3 it necessary, it will probably not be necessary for  
4 them to go much farther than they have already gone.  
5 It would be in China's own interest to bring about a  
6 peaceful settlement now. If the Chinese Government  
7 evacuates Nanking it will be a very foolish move;  
8 some of the generals are already forming an opposition  
9 to Chiang Kai-shek and his position is not too secure.  
10 The Japanese terms, if peace were made now, would  
11 be 'reasonable' and not a foot of Chinese territory  
12 would be kept by Japan, but if the hostilities are  
13 long continued, this attitude might change and in  
14 view of the increased sacrifices involved, more drastic  
15 terms might result. The way in which the United  
16 States could best help would be to persuade Chiang  
17 Kai-shek to negotiate for peace. If a willingness  
18 to negotiate were indicated by the Chinese Govern-  
19 ment, HIROTA would send a representative to Shanghai  
20 to talk, either publicly or privately, with a repre-  
21 sentative of China.  
22

23 "At the end of HIROTA's remarks I repeated  
24 them point by point and asked if I had correctly  
25 understood everything that he had said, to which he  
answered in the affirmative. I told him that I would

1 repeat his observations to my Government and in the  
2 meantime I hoped he would do everything in his power  
3 to prevent the Japanese press from publishing un-  
4 confirmed reports with regard to the attitude of the  
5 United States. I told him of what Eden had actually  
6 said in the House of Commons and of the definite  
7 denials of the State Department that our Government  
8 had taken the initiative in connection with the call-  
9 ing of the Brussels Conference and I told him once  
10 more just how its convocation had come about. HIROTA  
11 said that he agreed with me as to the importance of  
12 keeping the Japanese press quiet and that he would  
13 do his best. I also pointed out that the Chinese  
14 Ambassador was still in Tokyo and that diplomatic  
15 channels for peace overtures appeared still to exist.  
16 HIROTA assented but made no comment.

17 "It was significant that HIROTA's comments  
18 about the part we had played in the Russo-Japanese  
19 war and the implication that Chiang Kai-shek's with-  
20 drawal from Nanking would render peace conversations  
21 more difficult were two of the points which Dooman  
22 had mentioned to YOSHIKAWA last night. The latter  
23 must have passed them on immediately to the Minister."  
24

25 We offer for identification book by Sir Robert  
Craigie, "Behind the Japanese Mask," and we offer in



1 evidence an excerpt therefrom being defense document  
2 502, excerpt 13. This document records the efforts  
3 on the part of Mr. HIROTA and Ambassador Sir Robert  
4 Craigie to bring an end to the hostilities in China.

5 THE PRESIDENT: I understand that book is  
6 already marked for identification, as exhibit 2478  
7 for identification. Do you tender an excerpt from it?

8 Mr. Brown.

9 MR. BROWN: Your Honor, the prosecution ob-  
10 jeets to this document as consisting entirely of  
11 opinion with the exception, in our submission, only  
12 of the second sentence in the first paragraph which  
13 alone is hardly worth introduction in view of the  
14 fact that it proves nothing.

15 I also wish to point out that there is no date  
16 on this excerpt to show when this was written.

17 THE PRESIDENT: It refers to talks in October  
18 and November 1937.

19 MR. YAMAOKA: If the Tribunal please, I  
20 respectfully submit that this is proper evidence  
21 before the Tribunal.  
22

23 THE PRESIDENT: It is pointed out to me that  
24 it refers to the war having run into its ninth year,  
25 so that it was not written contemporaneously with the  
events at all.

1 MR. BROWN: Your Honor, as the book, the  
2 whole book, is an exhibit for identification, may I  
3 point out that, unlike the book by Ambassador Grew,  
4 this is not a diary kept at the time.

5 MR. YAMAOKA: In reply, if the Tribunal please,  
6 I wish to state that while it is true that it is not  
7 a diary, and it was written probably subsequent to  
8 the events related in this excerpt, nevertheless, it  
9 is the statement by Sir Robert Craigie on facts then  
10 existing.

11 THE PRESIDENT: It is a judgment against the  
12 army, really. These are matters for us.

13 By a majority the objection is upheld and the  
14 document rejected.

15 MR. YAMAOKA: We offer in evidence another  
16 excerpt from Ambassador Grew's diary dated December 13,  
17 1937, being defense document 206-D (17) reporting  
18 Foreign Minister HIROTA's part in the Panay incident.

19 I only tender the first page and the first  
20 two paragraphs on page 2 of this document.

21 THE PRESIDENT: Mr. Brown.

22 MR. BROWN: Your Honor, of the part now  
23 tendered, the prosecution objects to the third, fourth  
24 and fifth paragraphs as being, in our submission,  
25 irrelevant. The third deals with sending a cruiser to



1 as st President Hoover. The other two are so short  
2 that, I think, it is not necessary for me to summarize  
3 them.

4 THE PRESIDENT: Do I understand you are not  
5 tendering the last two paragraphs, Mr. Yamaoka?

6 MR. YAMAOKA: Yes, if your Honor please, I  
7 am omitting the last two paragraphs on page 2 from  
8 my tender.

9 THE PRESIDENT: The objection is overruled  
10 and the document admitted on the usual terms, to the  
11 extent that it is tendered.

12 CLERK OF THE COURT: Defense document 206-D  
13 (17) will receive exhibit No. 3285.

14 (Whereupon, the document above  
15 referred to was marked defense Exhibit No.  
16 3285 and received in evidence.)

17 THE PRESIDENT: How much do you think you  
18 should read, Mr. Yamaoka?

19 MR. YAMAOKA: I should be satisfied to read  
20 the last paragraph on page 1 and the first two para-  
21 graphs on page 2.

22 THE PRESIDENT: Yes.

23 MR. YAMAOKA: May I read that portion, if  
24 your Honors please?

25 I shall read the last paragraph on page 1

1 and the first two paragraphs on page 2, of defense  
2 exhibit 3287. The entry is dated December 13, 1937,  
3 and entitled, "We receive the News of the Panay  
4 Sinking."

5 "Nothing more appeared until 3 o'clock when  
6 Alice told me that HIROTA had just telephoned that he  
7 was coming to see me at the Embassy. I said to her at  
8 once that if the Minister for Foreign Affairs was com-  
9 ing in person to the chancery, an unprecedented step,  
10 something terrible had happened, and of course I  
11 immediately thought of the Panay. HIROTA was in my  
12 office when I got down there and he at once told me  
13 of the reports of the sinking of the Panay and the  
14 Standard Oil ships by bombing by Japanese planes. He  
15 made no effort whatever to pretend that it might have  
16 been caused by Chinese planes and he expressed 'the  
17 profound apologies and regrets' of the Japanese  
18 Government. HIROTA seemed as genuinely moved as any  
19 Japanese is capable of registering emotion; he said,  
20 'I can't tell you how badly we feel about this.' I  
21 went downstairs with him and saw him off in his car.

22 "The account of my call on HIROTA this morn-  
23 ing was cabled to the Department at noon and I reported  
24 HIROTA's call on me at 3 P.M. The telegram added that  
25 both the Navy and War ministers had likewise expressed



1 regrets through the respective attaches."

2 THE PRESIDENT: We will recess for fifteen  
3 minutes.

4 (Whereupon, at 1045, a recess was  
5 taken until 1100 after which the proceedings  
6 were resumed as follows:)

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1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. Yamaoka.

4 MR. YAMAOKA: May it please the Tribunal,  
5 we offer in evidence defense document 502, excerpt 15,  
6 which is another excerpt from the book "Behind the  
7 Japanese Mask" written by Sir Robert Craigie, showing  
8 the circumstances surrounding the shelling of the  
9 "Ladybird," the prompt apology on behalf of the  
10 Japanese Government by Mr. HIROTA as Foreign Minister  
11 at the time and prompt payment for the damages in-  
12 flicted.

13 THE PRESIDENT: Mr. Brown.

14 MR. BROWN: Your Honor, the prosecution ob-  
15 jects to this document which is, in our submission,  
16 from the description of it just given by my learned  
17 friend, obviously irrelevant. The last half of the  
18 second paragraph is merely the opinion of Sir Robert  
19 Craigie about Mr. HIROTA's feelings at the time. It  
20 also, in our submission, is subject to the same ob-  
21 jection that we made to the previous extract from  
22 this book, that it is not a contemporaneous writing,  
23 that it is a book written considerably after the  
24 events which it describes.

25 THE PRESIDENT: The only really objectionable



1 thing is that sentence referring to the moral cour-  
2 age of Mr. HIROTA. By a majority, the objection is  
3 overruled and the document admitted.

4 CLERK OF THE COURT: Defense document 502,  
5 excerpt 15, will receive exhibit No. 3286.

6 (Whereupon, the document above  
7 referred to was marked defense exhibit  
8 No. 3286 and received in evidence.)

9 MR. YAMAOKO: I shall read exhibit 3286:

10 "One serious incident occurred in December  
11 1937, when the Japanese forces were pursuing the Chi-  
12 nese up the River Yangtse after the fall of Nanking.  
13 The British gunboat Ladybird was stationed above Nan-  
14 king and every alteration in her position on the river  
15 was promptly notified to the Japanese Government. In  
16 the middle of November a Japanese battery of field  
17 artillery opened fire on the Ladybird and slightly dam-  
18 aged her superstructure. That the damage was not  
19 greater was not for lack of trying. As the shells fell  
20 all around the gunboat she came alongside the quay and  
21 her commander landed and protested to the commanding  
22 officer of the battery who, however, showed no sign of  
23 contrition.  
24

25 "The reaction of the Japanese Government on  
this occasion was both prompt and commendable. As soon

as he heard the news Mr. HIROTA, the Foreign Minister,  
1 called on me at the Embassy and begged me to convey to  
2 the British Government an expression of the Japanese  
3 Government's sincere regret and an offer to pay full com-  
4 pensation for the damage to the ship. Mr. HIROTA had  
5 obviously been very much upset by the incident and showed  
6 more than his usual emotion in conveying this message.  
7 Having regard to the excited feelings of the Japanese  
8 extremists, the Foreign Minister had displayed a con-  
9 siderable moral courage in taking the unusual step of  
10 calling personally on me to express regret. The apology  
11 was accepted by His Majesty's Government and the cost  
12 of repairing the gunboat was promptly made good by the  
13 Japanese.  
14

15 "Thus, an incident which might have easily led  
16 to serious loss of life was promptly settled."  
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We next call the witness ISHII, Itaro.

- - -

1  
2 I T A R O I S H I I, called as a witness on behalf  
3 of the defense, being first duly sworn, testified  
4 through Japanese interpreters as follows:

5 DIRECT EXAMINATION

6 BY MR. YAMAOKA:

7 Q Will you please state your name and address.

8 A My name is ISHII, Itaro and my present resi-  
9 dence 1072 Nishigahara-cho, Kita-ku, Tokyo.

10 MR. YAMAOKA: May the witness be shown defense  
11 document 2149?

12 (Whereupon, a document was handed  
13 to the witness.)

14 Q Is that your affidavit?

15 A This is my affidavit.

16 Q Is it in all respects true and correct?

17 A Yes, true and correct.

18 MR. YAMAOKA: I now offer in evidence defense  
19 document 2149.

20 THE PRESIDENT: Admitted on the usual terms.

21 CLERK OF THE COURT: Defense document 2149  
22 will receive exhibit No. 3287.

23 (Whereupon, the document above  
24 referred to was marked defense exhibit  
25

No. 3287 and received in evidence.)

MR. YAMAOKA: I shall now read exhibit 3287, omitting the formal parts:

"I entered the Diplomatic Service on November 11, 1915. After holding posts at various places in China, Europe and America, as well as in the Foreign Office at Tokyo, I assumed the office of the Director of the Bureau of East-Asiatic Affairs on May 11, 1937, and remained in that office until November 8, 1938.

After that I successively filled the posts of Minister to Thailand, Ambassador to Brazil and Ambassador to Burma, and retired from office on August 7, 1946.

"(2) On July 7, 1937, about two months after I was appointed Director of the Bureau of East-Asiatic Affairs, the incident of Marco Polo Bridge broke out. Our forces made a triumphal entry into Nanking about December 13. Following that our acting Consul-General at Nanking (Mr. FUKUI, Makoto), returned to his post there from Shanghai. His first report to the Foreign Office from Nanking was about the atrocities of our troops there. This telegraphic report was transmitted without delay to the Director of the Bureau of Military Affairs, War Office. At that time, the Foreign Minister, being alarmed and worried about the matter, urged me that some step or other should be taken quickly to



1 suppress such disgraceful deeds. I told him in reply  
2 that a copy of the telegraphic report had already been  
3 transmitted to the War Office, and that I intended to  
4 warn the military authorities against the deeds at the  
5 coming liaison conference of the War Office., the Min-  
6 istry of the Navy and the Foreign Office.

7 "Immediately after that the liaison conference  
8 was held in my office room. (The conference was held as  
9 occasion called, in the official room of the Director  
10 of the Bureau of East-Asiatic Affairs. It was origi-  
11 nally attended by the Directors of the Bureaus of Mili-  
12 tary Affairs of the War Office and the Ministry of the  
13 Navy, and the Director of the East-Asiatic Affairs of  
14 the Foreign Office. At that time, however, it was cus-  
15 tomary that the Chief of the First Section, Bureau of  
16 Military Affairs, War Office, the Chief of the First  
17 Section, Bureau of Military Affairs, Ministry of the  
18 Navy, and the Chief of the First Section, Bureau of East-  
19 Asiatic Affairs, Foreign Office, sat at the conference  
20 for their respective superiors.) On that occasion, I  
21 brought forward the problem of atrocities, reminded the  
22 Chief of the First Section, Bureau of Military Affairs,  
23 War Office, of the high ideal of 'Holy War' and the  
24 glorious name of 'Imperial Army', and demanded to take  
25 strict measures to stop them immediately. The military

delegate shared my feelings and acceded to my demand.

1 Shortly after that, a written report of the acting  
2 Consul-General at Nanking reached the Foreign Office.

3 It was a detailed account, typewritten in English, of the  
4 atrocities of our troops, drawn up by an international  
5 security committee consisting of representatives of the  
6 residents of the third Powers in Nanking. Our Consul-  
7 General at Nanking had obtained a copy of it, and sent it  
8 to the Foreign Office. I read the report through closely  
9 and reported the outline of the matter to the Foreign  
10 Minister. On the occasion of the following liaison con-  
11 ference I showed the report in question to the Chief of  
12 the First Section, Bureau of Military Affairs, War Office,  
13 and repeated my demand, in compliance with the will of the  
14 Foreign Minister. The military delegate told me in answer  
15 that a strict warning had already been given to the Nan-  
16 king Occupation Force. From that time onward the cases  
17 of atrocities grew less,  
18

19 "About the end of January of the following year,  
20 1938, if I remember right, the central leaders of the  
21 Japanese Army sent a special envoy to the Occupation Force  
22 at Nanking. We learned afterwards that the envoy was  
23 Major-General HOMMA. After that, the atrocities in Nan-  
24 king were exterminated.

25 "(3) The telegrams and written reports referred



1 to in the present affidavit are not found now in the  
2 files of the Foreign Office, the originals as well as  
3 the copies of which having been lost in the fire during  
4 the war.

5 "(4) Foreign Minister HIROTA, as I was told,  
6 requested War Minister SUGIYAMA to take strict measures  
7 promptly with regard to the case of Nanking atrocities;  
8 I was informed of the fact by Foreign Minister HIROTA  
9 at that time. At the same time I made the same request  
10 to the competent authorities of the War Office."

1 to in the present affidavit are not found now in the  
2 files of the Foreign Office, the originals as well as  
3 the copies of which having been lost in the fire during  
4 the war.

5 "(4) Foreign Minister HIROTA, as I was told,  
6 requested War Minister SUGIYAMA to take strict measures  
7 promptly with regard to the case of Nanking atrocities;  
8 I was informed of the fact by Foreign Minister HIROTA  
9 at that time. At the same time I made the same request  
10 to the competent authorities of the War Office."  
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1 If the Tribunal please, I understand there  
2 will be further examination by some defense counsel.

3 THE PRESIDENT: For the accused MATSUI, is  
4 that so?

5 MR. ITO: Yes, sir. I wish to examine.

6 DIRECT EXAMINATION (Continued)

7 BY MR. ITO:

8 Q Mr. witness, in your affidavit you mention  
9 that immediately after the fall of Nanking you re-  
10 ceived a telegram from the Acting Consul-General in  
11 Nanking concerning the atrocities committed by the  
12 Japanese Army. Now, this telegram -- I take it that  
13 it was in Japanese, was it not?

14 A Yes, it was written in Japanese.

15 Q How was the term "atrocities" rendered in  
16 Japanese?

17 A At that time there was no general term or  
18 special term used for the acts that had been committed.

19 Q I wish to ask, what was referred to by the  
20 term "atrocities"?

21 A The acts of the Army after they entered the  
22 walls of Nanking consisted of great incendiarism and  
23 looting.

24 Q At the conference of the secretaries of the  
25 ministries of Foreign Office, War and Navy were the

1 problems of infringement of foreign rights, such as  
2 the "Panay," the "Ladybird" and other problems, dis-  
3 cussed at the time of the fall of Nanking?

4 A Of course, the questions of the "Panay" and  
5 the "Ladybird" were discussed at the liaison confer-  
6 ence.

7 Q The despatch of Major General HOMMA to Nan-  
8 king, was that not for the purpose of investigating  
9 into the ways and means of adjusting the relations  
10 between foreign interests and the action taken by  
11 the Japanese armed forces?

12 THE MONITOR: And to prevent any further  
13 infringement upon foreign rights and interests in the  
14 future, to study ways and means of doing that, wasn't  
15 that the principal purpose of Major General HOMMA's  
16 visit to Nanking?

17 A Well, I do not know the details of the mis-  
18 sion which brought Major General HOMMA to Nanking;  
19 but from what I, myself, heard from the War Depart-  
20 ment, his purpose in making this trip was to enforce  
21 stricter discipline in the Japanese Army.

22 Q In your affidavit you state you discussed  
23 problems frequently with the Chief of the First Sec-  
24 tion of the Military Affairs Bureau of the War Office.  
25 Now, is that not a mistake on your part?



1           A   Is it a question as to the name of the person  
2 who held the office of the First Section of the Military  
3 Affairs Bureau?

4           MR. ITO: Mr. President, in order to re-  
5 fresh the memory of the witness, I should like to  
6 have him see evidence 3031.

7           THE MONITOR: Court exhibit 3031.

8                   (Whereupon, a document was handed  
9 to the witness.)

10          Q   If you will glance at that document you will  
11 see that in the Navy Department there are the First  
12 and Second Sections in the Military Affairs Bureau --  
13 Naval Affairs Bureau, but in the War Office there is  
14 no such thing as First and Second Sections of the  
15 Military Affairs Bureau.

16          A   It may have been a mistake on my part to use  
17 the words "First Section," but I remember the name and  
18 the person who held the office.

19          THE PRESIDENT: What was his name and what  
20 was his office?

21          THE WITNESS: The person who held the office  
22 was Colonel Kaneshiro SHIBAYAMA.

23          THE PRESIDENT: About what date did you get  
24 the report of atrocities from the Acting Consul-General  
25 at Nanking?

1 THE WITNESS: I do not remember the date  
2 exactly, but I believe it was immediately after the  
3 entry of the Japanese forces into Nanking.

4 THE PRESIDENT: And what is the date of the  
5 liaison conference?

6 THE WITNESS: With regard to that also I  
7 do not remember the date exactly, but I believe it  
8 was one or possibly two days after we received the  
9 telegraphic report.

10 THE PRESIDENT: Yes.

11 MR. YAMAOKA: If the Tribunal please, the  
12 prosecution may cross-examine.

13 CROSS-EXAMINATION

14 BY MR. COMYN & CARR:

15 Q Mr. ISHII, you say that shortly after the  
16 liaison conference you received a detailed account,  
17 typewritten in English of the atrocities of our  
18 troops, drawn up by an international committee con-  
19 sisting of representatives of the residents of the  
20 third powers in Nanking. As a matter of fact, did  
21 you not receive a whole series of such reports?

22 A Yes.

23 Q Now, in the last sentence of the same para-  
24 graph you say that from that time, that is, after the  
25 military delegate had told you that he had sent a



1 warning, the cases of atrocities grew less. Do you  
2 not know that, in fact, from those reports, they  
3 continued as bad as ever down to the end of the  
4 first week in February, 1938?

5 A Yes, I do remember that. But what I point  
6 out in my affidavit, that such cases grew less --  
7 that they were much less than on the large scale in  
8 which such acts were committed at the time of the  
9 occupation and entry into the city.

10 Q Did you not receive a report dated the  
11 2nd of February, 1938 reporting no less than 76  
12 cases of rape, murder, arson and robbery which had  
13 taken place in Nanking in the four days, January  
14 28, 29, 30 and 31?

15 A I do not remember the date of the receipt  
16 of such a report nor as to the period of time  
17 covered, referring to -- in connection with these  
18 acts. I do recall, however, receiving a document  
19 reporting something over 70 such cases.

20 THE PRESIDENT: Did the military delegate  
21 tell you on what date the warning was given to the  
22 Nanking occupation force?

23 THE WITNESS: May I ask what you mean by  
24 military representative?

25 THE PRESIDENT: You used the term, "military

1 delegate," in your affidavit. I suppose you know  
2 what it means. At least that is the English trans-  
3 lation of what you said.

4 THE WITNESS: I think that is the person  
5 whose name was just mentioned a little while ago,  
6 SHIBAYAMA, Kaneshiro, the colonel.

7 THE PRESIDENT: Will you repeat to him,  
8 language section, the Japanese of the following  
9 sentence in his affidavit in English:

10 "The military delegate told me in answer  
11 that a strict warning had already been given to the  
12 Nanking occupation force."

13 THE INTERPRETER: Mr. President, there is  
14 no such word as "military delegate" in the Japanese.

15 THE PRESIDENT: I am asking you to read  
16 from his affidavit in Japanese, that is the original  
17 affidavit, that sentence as represented in English.

18 THE WITNESS: When I spoke of military there  
19 I am referring to Colonel SHIBAYAMA, Kaneshiro.

20 THE PRESIDENT: Did he tell you when the  
21 warning was given to the Nanking occupation force?  
22

23 THE WITNESS: I have not heard.

24 THE PRESIDENT: Was it in December or January,  
25 or later?

THE WITNESS: I am not sure of the dates



1 but I do not think many days elapsed since this first  
2 discussion of this matter was taken up in the Foreign  
3 Office.

4 THE PRESIDENT: It was shortly after  
5 Mr. FUKUI's report, was it?

6 THE WITNESS: I think it was shortly after  
7 the telegraphic report was received from Acting  
8 Consul-General FUKUI, after which this question was  
9 taken up by the Foreign Office and a liaison confer-  
10 ence held, and so I think it was just a few days  
11 after or shortly after the first liaison conference  
12 that I gave the warning.

13 BY MR. COMYNS CARR (Continuing):

14 Q That is not what you are being asked about.  
15 What you are being asked was, when was it that the  
16 military delegate, the colonel you have mentioned,  
17 told you that a warning had been given to the Nanking  
18 occupation force?

19 A I have not heard of the date when a warning  
20 was sent by the Central Army Authorities to the  
21 Nanking Army Authorities.

22 Q When was the liaison conference -- it seems  
23 to have been the second that you refer to in your  
24 affidavit -- at which the military delegate gave you  
25 this information?

1           A    I do not recall whether it was the second  
2 liaison conference or the third because such confer-  
3 ences were frequently held.

4           Q    But you say it was immediately after you  
5 received the first of the reports of the international  
6 committee?

7           A    I did not use the word "immediately" in the  
8 Japanese text of my affidavit. I think I said,  
9 "soon after," "subsequently," "a short time after."

10          Q    How long after?

11          A    I have no exact recollection as to the  
12 exact lapse of time.

13          Q    Two or three days?

14          A    I do not think it was such a short period  
15 of time as two or three days.

16          Q    How often were these liaison conferences  
17 held?

18          A    These conferences were not regularly or  
19 periodically held but my present recollection is that  
20 they were held once or twice a week.

21               THE PRESIDENT: Did you take the view that  
22 the Acting Consul-General's report called for immed-  
23 iate attention and immediate action in view of its  
24 nature?  
25

              THE WITNESS: Yes.



1 THE PRESIDENT: Was it given immediate  
2 attention and immediate action taken?

3 THE WITNESS: The report was transmitted  
4 to the army immediately after its receipt from  
5 Nanking. Then soon after -- when I say soon after,  
6 that means about two or three days later -- I  
7 sponsored at my office a liaison conference among  
8 section chiefs of the Military Affairs Bureau and  
9 passed on this matter, calling their attention to  
10 this grave matter.

11 THE PRESIDENT: Having regard to the nature  
12 of the report, can you say whether or not the warning  
13 was immediately given?

14 THE WITNESS: This is only my supposition  
15 but I think that the army took the matter up immed-  
16 iately.  
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1 MR. COMYNS CARR: Your Honor, as I read the  
2 affidavit, what the military delegate was supposed to  
3 have said is that the warning had been given between  
4 the first and second of these two liaison conferences.

5 THE PRESIDENT: How seriously they took the  
6 report depends upon the action they took and when they  
7 took it. He does not appear to have any information  
8 about that.

9 Q Did the military man, the colonel you have  
10 spoken of, tell you to whom the warning had been sent?

11 A I did not hear who the addressee was.

12 Q Now, when the reports continued to pour in  
13 from the international committee through the Consul  
14 in Nanking, what further steps did you take?

15 A Mr. Prosecutor, you used the words, "poured  
16 in," or, "these reports continued to pour in," but  
17 according to my recollection they came in one bunch,  
18 once or perhaps twice.

19 MR. COMYNS CARR: I refer the Tribunal at  
20 this point to exhibit 323 which is a selection of  
21 these reports. The last one is numbered 58 and is  
22 dated the second of February 1938 and is the one I  
23 mentioned to the witness with the 76 detailed cases  
24 enumerated, some of them referring to more than one  
25 individual.



1 Q When you received these later reports wasn't  
2 it obvious to you that the warning said to have been  
3 given by the Army was having no effect?

4 A Yes, I had the impression that the warning  
5 issued by the Central Army authorities was not thorough-  
6 ly taking effect.

7 Q Or did you have the suspicion that they had  
8 never issued it?

9 A No, I did not entertain such suspicion.

10 Q Now when you had read all the reports, would  
11 you agree, as to the total effect of them, with the  
12 description given by a German gentleman who made some  
13 of the reports, as noted on page 8 of Exhibit 329 in  
14 the last two paragraphs -- I will read it to you:

15 "The fateful days of Nanking have clearly  
16 shown \* \* \* the lack of discipline, atrocities and  
17 criminal acts not of an individual but of an entire  
18 Army, namely, the Japanese."  
19

20 MR. YAMAOKA: If your Honor please, I object  
21 to that question as merely calling for the conclusion  
22 of this witness.

23 THE PRESIDENT: That is a German viewpoint,  
24 as we know according to the prosecution's evidence,  
25 and that can be rightly put to him as showing how much  
they knew and what they did.

1 Q (Continuing) I will read the next sentence  
2 before asking the witness to answer:

3 "It seems like mockery to see this bestial  
4 machinery appear as champion of anti-communism and  
5 outwardly stand up loudly for the renovation and  
6 liberation of China."

7 Was that the impression produced on your mind  
8 when you read all the reports?

9 A I have no recollection at the present moment  
10 as to what the German whom you just referred to wrote  
11 about. The only impression that I still retain in my  
12 mind is that the atrocities were very severe.

13 Q Did you report to HIROTA all of the reports  
14 that you received?

15 A Are you referring to the documents pertaining  
16 to the 76 cases?

17 Q That, amongst others; all the documents for-  
18 warded to you by the Consul, being the reports of the  
19 international committee.

20 A Yes. All reports with respect to all of them  
21 were made to the Foreign Minister.

22 MR. COMYNS CARR. Yes.

23 THE PRESIDENT: I have some questions on behalf  
24 of some of the Members of the Tribunal. We may be able  
25 to get answers to them before lunch.



1           When did Major-General HOMMA leave Tokyo  
2 and arrive at Nanking? The date of arrival at  
3 Nanking will do.

4           THE WITNESS: I don't recall the date.

5           THE PRESIDENT: Who were the central leaders  
6 of the Japanese Army who were responsible for sending  
7 him?

8           THE WITNESS: That I did not ascertain.

9           THE PRESIDENT: Did Tokyo ever send anyone  
10 else before HOMMA to make an investigation on the spot?

11           THE WITNESS: In my recollection I don't  
12 think I have heard of that.

13           THE PRESIDENT: We will adjourn until half  
14 past one.

15                   (Whereupon, at 1200, a recess  
16 was taken.)  
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## AFTERNOON SESSION

1  
2 The Tribunal met, pursuant to recess, at 1330.

3 MARSHAL OF THE COURT: The International Mili-  
4 tary Tribunal for the Far East is now resumed.  
5

6 THE PRESIDENT: With the permission of the  
7 Tribunal, the accused KAYA will be absent from the  
8 courtroom for the whole afternoon session conferring  
9 with counsel.

10 Mr. Comyns Carr.

11 - - -

12 I T A R O I S H I I, called as a witness on behalf  
13 of the defense, resumed the stand and testified  
14 through Japanese interpreters as follows:

## CROSS-EXAMINATION

15  
16 BY MR. CARR (Continued):

17 Q Mr. ISHII, you had in the Foreign Office,  
18 had you not, a department whose business it was to  
19 study the press of other countries for any matters  
20 relating to Japan?

21 THE PRESIDENT: Mr. Yamaoka.

22 MR. YAMAOKA: If the Tribunal please, I ob-  
23 ject on the ground that this is going beyond the scope  
24 of direct examination.  
25

THE PRESIDENT: I feel sure it is going to



1 be confined to atrocities at Nanking, if I am not  
2 greatly mistaken; I do not know.

3 MR. COMYNS CARR: Yes, certainly.

4 THE PRESIDENT: We cannot sustain the ob-  
5 jection yet, Mr. Yamaoka.

6 A At that time the Foreign Office had an  
7 Information Bureau where studies of the foreign press  
8 and matters related thereto were studied, but I had no  
9 connection with that bureau.

10 Q Did that bureau report to you and to  
11 Mr. HIROTA that the press of the world was full of  
12 denunciations of the rape of Nanking?

13 A I received no report to the effect that the  
14 press, the foreign press was full of denunciations,  
15 but I received information from time to time from the  
16 Chief of the Information Bureau as to what appeared in  
17 the foreign press and in periodicals.

18 Q And did he report to you that there were many  
19 references to what was called the Rape of Nanking?

20 A Yes, I received reports each time such refer-  
21 ences were made.

22 Q And to whom were those reports circulated?

23 A I think they were circulated to the minister,  
24 vice-minister, and all bureau directors.

25 Q Were they circulated to the members of the

cabinet?

1           A    That I do not recall.

2           Q    Wasn't it the practice that a resume of  
3 foreign press reports was circulated to members of  
4 the cabinet?  
5

6           A    I do not recall just what the Bureau of  
7 Information was doing then as a matter of practice.

8           Q    Wasn't it for the information of the Japanese  
9 Government that these reports were searched?

10          A    Mr. Prosecutor, may I have the question re-  
11 peated? I could not comprehend it.

12          Q    Was not the object of having these summaries  
13 of the foreign press prepared to inform the members of  
14 the Japanese Government?  
15

16          A    I should think that was the case, but from  
17 the time the Bureau of Information was established  
18 within the Ministry for Foreign Affairs I did not know  
19 what its objectives were.

20          Q    Did you ever see a single reference to these  
21 atrocities in Nanking in the Japanese press?

22          A    I do not recall.

23          Q    I suggest to you that there wasn't one, and  
24 you know very well it was suppressed.

25          A    I do not know whether or not such news items  
were suppressed.



1 Q Did not the Information Bureau report to  
2 you whether there was any reference to the matter in  
3 the Japanese press?

4 A I do not think there were any reports with  
5 regard to what appeared in Japanese newspapers.

6 Q Now, did HIROTA bring this matter before  
7 the cabinet?

8 A I have not heard that it was presented to  
9 the cabinet. However, Foreign Minister HIROTA re-  
10 ferred the question to the War Minister. I heard this  
11 directly from the Foreign Minister at that time.

12 I should like to clarify that a little further.  
13 Foreign Minister HIROTA requested the War Minister to  
14 take up the matter. Correction. The Foreign Minister  
15 took up the question with the War Minister -- so I was  
16 told by the Foreign Minister then.

17 Q But you have told me that the reports con-  
18 tinued to come in from Nanking that the atrocities were  
19 continuing after that?

20 A Yes.

21 Q Did HIROTA take any further steps when you  
22 reported that to him?

23 A I don't think that Foreign Minister HIROTA  
24 took up this question with the War Minister frequently  
25 or many times. I think it was once or twice.

1 Q But I am asking you whether he took it up  
2 with anybody else?

3 A I do not know.

4 Q There was a Cabinet Advisory Council on  
5 China. Was it not a very suitable matter to be  
6 brought before them?

7 A I cannot understand what you mean by the  
8 Cabinet Advisory Council.

9 Q We have it in evidence on both sides that  
10 there was a body called the Cabinet Advisory Council  
11 on China, which was formed in October, 1937. Were you  
12 not aware of that?

13 A I presume you are pointing to the cabinet  
14 councilors.

15 Q Yes.

16 A But this body was not a body which was  
17 qualified to take up -- which in my recollection was  
18 not a body which could take up such a matter.  
19  
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1 Q Did HIROTA ever discuss with you any further  
2 steps that should be taken to get these atrocities  
3 stopped?

4 A I think we had several discussions.

5 Q What did he suggest doing?

6 A He told me quite frequently to lodge serious  
7 warning to the authorities concerned in the War Ministry.

8 Q But we know that that had produced no effect.  
9 Didn't you suggest to him that he should bring it up  
10 in the cabinet?

11 A We have never talked about bringing this  
12 question up before the cabinet. My reason for saying  
13 so is that I did not regard that the cabinet was a  
14 body to discuss such a question.

15 Q Why not?

16 A I think it so because the cabinet, as a  
17 cabinet, was not in any position to deal with questions  
18 which concerned the military in the field.

19 Q Was it not necessary, in your position, for  
20 you to know something about international law?

21 A Yes, of course.

22 Q And did you not know that the responsibility  
23 was on the government and not on the commanders in the  
24 field for the treatment of prisoners?

25 A I can't quite comprehend the point in the

1 question.

2 Q Now, according to your information, was any  
3 responsible person ever punished for these atrocities?

4 A I have not heard.

5 Q Did HIROTA ever take any steps to secure the  
6 punishment of the responsible person?

7 A I should think Foreign Minister HIROTA dis-  
8 cussed that matter with the War Minister.

9 Q Did he bring that matter up in the cabinet?

10 A I have not heard the matter being submitted  
11 to the cabinet.

12 MR. COMYNS CARR: That concludes my cross-  
13 examination.

14 MR. ITO: You have stated a while ago that  
15 Mr. HIROTA lodged a protest to the War Minister on the  
16 basis of a report or reports that he had received from  
17 foreign countries concerning the Nanking Incident,  
18 concerning the army's actions in Nanking.

19 MR. COMYNS CARR: May it please the Tribunal,  
20 I object. Counsel for MATSUI has already put questions  
21 to the witness which were obviously in the nature of  
22 cross-examination, and, in my submission, has no right  
23 to re-examine.  
24

25 THE PRESIDENT: He cannot do both. But he may  
get permission to further cross-examine if anything has



1 arisen out of your cross-examination to the prejudice  
2 of MATSUI. But he has not asked for that.

3 MR. ITO: Then I should like to conduct exami-  
4 nation on the basis of the point raised by Mr. Comyns  
5 Carr, with the permission of the Court.

6 THE PRESIDENT: What point?

7 MR. ITO: The point is that in answer to  
8 Mr. Comyns Carr's question, the witness replied that  
9 Foreign Minister HIROTA immediately relayed protests  
10 received -- relayed to the army -- to the War Minister,  
11 the protests received from foreign countries concerning  
12 the Nanking Incident.

13 THE PRESIDENT: Why do you want to elucidate  
14 that?

15 MR. ITO: I should like to find out from this  
16 witness the attitude which Foreign Minister HIROTA  
17 actually took; whether he made this protest to the  
18 War Minister from his own independent position or  
19 merely because protests were received from foreign  
20 governments.

21 THE PRESIDENT: That does not help you one  
22 way or the other.

23 MR. ITO: Then I shall cease further examination.

24 THE PRESIDENT: Mr. Yamaoka.

25 MR. YAMAOKA: May it please the Tribunal, I

should like to ask a few questions on redirect.

REDIRECT EXAMINATION

BY MR. YAMAOKA:

Q Mr. ISHII, when you received these reports from Nanking, did you and the Foreign Office accept them at face value?

A We considered most of them to be facts. However, yes, generally speaking we accepted them at their face value, although there were many points of duplication between reports received from foreign sources, which also included reports from the Chinese, and we believed that there might have been, or there may be, duplication in the reports received both from foreign sources and from Chinese sources. But we generally took these at face value.

Q Then, the action of the Foreign Office and yourself in calling the liaison conferences and issuing the warnings to the military was based on this assumption?

A Yes, that is so.

Q In addition to what you have told us that the Foreign Office and yourself did immediately after the receipt of these reports, was there anything further that the Foreign Minister and the Foreign Office could have done, under the circumstances?

MR. COMYNS CARR: I object to that question.



In my submission, it is a matter for the Tribunal.

THE PRESIDENT: Objection allowed.

MR. YAMAOKA: If the Tribunal please, my learned friend here has more or less laid the foundation for that question by asking whether it should have been brought up before the cabinet meeting or not.

THE PRESIDENT: Such a question could not arise out of any answer in cross-examination. That is the test.

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1 MR. YAMAOKA: Well, I should like to ask this  
2 further question, if your Honor please.

3 Q Why could you not take any further steps than  
4 you did?

5 MR. COMYNS CARR: In my submission, that is  
6 open to the same objection.

7 THE PRESIDENT: Objection upheld.

8 Q Why did you not take any further steps than  
9 you did?

10 A The Foreign Minister could not do more than  
11 that -- the Foreign Office could not do more than that  
12 from the standpoint of the authority in its possession.

13 MR. YAMAOKA: That is all, your Honor.

14 May the witness be released on the usual  
15 terms?

16 THE PRESIDENT: He is released accordingly.

17 (Whereupon, the witness was excused.)  
18 - - -

19 MR. YAMAOKA: If your Honors please, we  
20 next offer in evidence defense document 2539, being  
21 the affidavit of HAYASHI, Kaoru, of the Foreign Office,  
22 showing that the originals as well as the copies of  
23 telegrams and written reports referred to in defense  
24 document 2149, the affidavit of the witness ISHII,  
25 were lost by fire during the war and cannot be found



1 in the files of the Foreign Office.

2 I shall not read this document.

3 THE PRESIDENT: Admitted on the usual terms.

4 CLERK OF THE COURT: Defense document 2539

5 will receive exhibit No. 3287-A.

6 (Whereupon, the document above  
7 referred to was marked defense exhibit  
8 No. 3287-A and received in evidence.)

9 MR. YAMAOKA: We now beg to refer to exhibit  
10 328 in evidence. This exhibit was only partially  
11 read. We propose to read additional excerpts marked  
12 on pages 23 and 24 in order to show that the Foreign  
13 Office took action upon receipt of complaints in-  
14 volving alleged atrocities committed by Japanese  
15 troops in Nanking on and after December 13, 1937.

16 I propose to read from the last sentence on  
17 page 23, paragraph 6:

18 "From Tokyo '75 February 4, 12, noon Depart-  
19 ment's 33 February 2, 5, p.m. looting of American  
20 property by Japanese forces in China.

21 "(one) I handed a formal note to the Mini-  
22 ster of Foreign Affairs at nine o'clock this morning  
23 reviewing the reports of depredations and presenting  
24 the substance of the final paragraph of the Depart-  
25 ment's instructions.

1           "(two) Having received from the Department  
2 no comment on my supplementary oral representations  
3 made to the Minister for Foreign Affairs \_\_\_\_\_  
4 (17) our 34 January 17, 1 p.m. encroach I assume that  
5 they were not disapproved and I therefore took an  
6 equally strong attitude in my talk with HIROTA today.  
7 I told him that the data which I was now presenting  
8 in our note effectually disproved the reports which  
9 had come to me from Japanese sources that we were  
10 depending upon Chinese information for our information  
11 and I said that we were now giving certain precise  
12 dates on which looting had been observed by American  
13 Citizens. I spoke of the steady mounting evidence of  
14 Japanese depredations which was coming before the  
15 American public; that the inflammable effect of this  
16 evidence should not be overlooked or minimized and that  
17 the patience of the American people was not inexhaust-  
18 ible. I said to the Minister once again in strong  
19 terms that I was becoming increasingly disturbed at  
20 the situation and the future outlook for Japanese  
21 American relations. I asked the Minister for a pre-  
22 cise statement which I might convey to my Government  
23 in reply to its assumptions and expectations of assur-  
24 ances.

25           "(three) The Minister said that the strictest



1 possible instructions had gone out from General Head-  
2 quarters to be handed down to all Commanders in China  
3 to the effect that these depredations must cease and  
4 that Major General HOMMA had been sent to Nanking to  
5 investigate and to ensure compliance. HIROTA said  
6 that he confidentially expects the immediate cessation  
7 of such looting. He furthermore authorized me to  
8 inform you that in the light of the investigations  
9 now being carried out full indemnification will be  
10 made for losses and damages inflicted."

11 At this point, if the Tribunal please, I  
12 desire to direct the attention of the Tribunal to  
13 exhibit 972-G, record 9,521. This was the last  
14 principle address by Mr. HIROTA in the Diet on  
15 January 22, 1938.

16 Only a part of it was read into the record,  
17 and while I do not propose to read the balance at  
18 the present time, I do desire to state that we in-  
19 tend to rely on the entire speech.

20 We offer in evidence defense document 2157.  
21 This is an answer of Foreign Minister HIROTA before  
22 the House of Representatives Committee on the Budget  
23 at the 73rd session of the Imperial Diet on January  
24 29, 1938.

25 THE PRESIDENT: Admitted on the usual terms.

1 CLERK OF THE COURT: Defense document 2157  
2 will receive exhibit No. 3288.

3 (Whereupon, the document above  
4 referred to was marked defense document  
5 No. 3288 and received in evidence.)

6 MR. YAMAOKA: I shall read exhibit 3288:

7 "MINUTES OF PROCEEDINGS OF THE HOUSE OF  
8 REPRESENTATIVES COMMITTEE ON THE BUDGET AT THE 73RD  
9 SESSION OF THE IMPERIAL DIET. 29 JANUARY 1938.

10 "Answer of the Minister of State.

11 "Minister of State HIROTA.

12 "As to China's future, Japan hopes for the  
13 establishment of a government capable of carrying out  
14 a policy of anti-Communism, while continuing cordial  
15 relations with our country and, in doing so, I want  
16 to help the regeneration of the Chinese. Therefore,  
17 Japan does not have the slightest idea to establish  
18 a government and separate it from the rest of China,  
19 believing that the unification of all China is neces-  
20 sary for the integrity of China."

21 We offer in evidence defense document 2165,  
22 being a statement made by Mr. HIROTA before the  
23 Committee of the Budget of the House of Peers at the  
24 73rd session of the Imperial Diet on March 4, 1938.

25 THE PRESIDENT: Admitted on the usual terms.



CLERK OF THE COURT: Defense document 2165  
will receive exhibit No. 3289.

(Whereupon, the document above  
referred to was marked defense exhibit  
No. 3289 and received in evidence.)

MR. YAMAOKA: I will read exhibit 3289:

"MINUTES OF THE PROCEEDINGS OF THE BUDGET  
COMMITTEE OF THE HOUSE OF REPRESENTATIVES AT THE 73RD  
SESSION OF THE IMPERIAL DIET. 4 MARCH 1938.

"Answer of the Minister of State.

"Minister of State HIROTA.

"I think it would be well if in the future  
there is an opportunity for the powers to discuss  
naval disarmament."

1 We next call the witness ARITA, Hachiro.

2 - - -

3 H A C H I R O A R I T A, recalled as a witness on  
4 behalf of the defense, having been previously  
5 sworn, testified through Japanese interpreters  
6 as follows:

7 THE PRESIDENT: You are still on your former  
8 oath.

9 DIRECT EXAMINATION

10 BY MR. YAMAOKA:

11 Q Will you kindly state your name and address.

12 A My name is ARITA, Hachiro. My address is 911  
13 Yoyogi Nishigahara-machi, Shibuya-ku, Tokyo.

14 MR. YAMAOKA: May the witness be shown defense  
15 document 2552?

16 (Whereupon, a document was handed  
17 to the witness.)

18 Q Is that your affidavit?

19 A Yes.

20 Q Is it in all respects true and correct?

21 A Yes.

22 MR. YAMAOKA: I offer in evidence defense  
23 document 2552.

24 THE PRESIDENT: Mr. Comyns Carr.

25 MR. COMYNS CARR: May it please the Tribunal,



1 prosecution objects to paragraph 4 of this affidavit,  
2 especially the first part of it which is a general  
3 statement about the opinions held by unnamed military  
4 men and unnamed members of the intellectual class.  
5 The second part would be equally objectionable but  
6 for the fact that in the last sentence the witness  
7 says that Mr. HIROTA set forth a similar opinion to  
8 that attributed to unnamed persons. We have not  
9 pressed an objection to evidence of that type. We  
10 are leaving it to the Tribunal to assess what value  
11 there may be in it.

12 THE PRESIDENT: Mr. Yamaoka.

13 MR. YAMAOKA: May it please the Tribunal, I  
14 respectfully submit that this witness is stating the  
15 conditions as of the time of the outbreak of the Man-  
16 churian Incident and afterwards, and we have included  
17 this in order that the Tribunal may have a complete  
18 picture of the situation.

19 THE PRESIDENT: By a majority, the Tribunal  
20 sustains the objection, that is, as to the first part  
21 of paragraph 4 of the affidavit, and admits the balance  
22 of the affidavit on the usual terms.

23 CLERK OF THE COURT: Defense document 2552  
24 will receive exhibit No. 3290.

25 (Whereupon, the document above

1 referred to was marked defense exhibit  
2 No. 3290 and received in evidence.)

3 MR. YAMAOKA: I shall read exhibit 3290,  
4 omitting the formal parts:

5 "(1) I was appointed as an eleve-consul on  
6 December 28, 1909, remaining in the service of the  
7 Foreign Office till I assumed the office of Foreign  
8 Minister in the HIROTA Cabinet on April 2, 1936, and  
9 resigning from the office on February 2, 1937. Later,  
10 I was Foreign Minister in the KONOYE and HIRANUMA  
11 Cabinets from October 1938 to August 1939, and Foreign  
12 Minister in the YONAI Cabinet from January 1940 to July  
13 of the same year.

14 "(2) Mr. HIROTA was appointed State Council-  
15 lor in the YONAI Cabinet. The system of the State  
16 Councillors had been established in the time of the  
17 First KONOYE Cabinet. The succeeding HIRANUMA Cabinet  
18 retained the system, with the State Councillors remain-  
19 ing in their office, but, when the YONAI Cabinet was  
20 formed, three or four of them whose opinions were  
21 apparently not in an agreement with the policy of the  
22 new Cabinet tendered their resignation. Mr. MATSUOKA,  
23 Yosuke, was among those who resigned. His appointment  
24 as State Councillor was considered to be due to the  
25 estimation of his knowledge and experiences in diplom-



1   acy, and Premier YONAI asked for my advice in choos-  
2   ing the man to succeed Mr. MATSUOKA in his office. I  
3   recommended Mr. HIROTA, who was considered to be of  
4   opinions contrary to those of Mr. MATSUOKA, and he  
5   was appointed State Councillor in March, 1940. I  
6   recommended him because I was well aware of the fact  
7   that he was a man of sound diplomatic opinions and  
8   that he was against the conclusion of the Tripartite  
9   Pact between Japan, Germany and Italy.

10       "(3) The YONAI Cabinet resigned en masse in  
11   July, 1940, and the Second KONOYE Cabinet was formed.  
12   It is a matter of common knowledge that the Tripartite  
13   Pact was concluded shortly after that.

14       "I used to call on Mr. HIROTA to exchange  
15   views with reference to diplomatic problems. One day  
16   after the conclusion of the Tripartite Pact, I called  
17   on him as usual and had a talk on various subjects.  
18   On that occasion, Mr. HIROTA reiterated his opinion  
19   against the Tripartite Pact. He said he could not  
20   quite understand from what necessity the Pact in ques-  
21   tion had been concluded. The most important thing of  
22   the time should have been the termination of the China  
23   Affair. The said Pact would surely cause grave re-  
24   action on the part of the United States and Britain.  
25   China, of course, would not lose any chance to take

1 advantage of this state of affairs, and the settlement  
2 of the China Affair would naturally become all the more  
3 difficult. He further pointed out that Japan had so  
4 far been able to keep its economy going through friend-  
5 ly intercourse with Britain and the United States,  
6 and that, in case Japan fell in strained relations  
7 with Britain and the United States, its future econ-  
8 omic development could never be expected. He then  
9 turned to the relations between Japan and the Soviet  
10 Union and pointed out the possibility of an undesirable  
11 change of the Soviet attitudes. He also expressed  
12 his deep anxiety about the disadvantageous effect  
13 which the conclusion of the Pact might have upon  
14 Japan's international standpoint.

15 "On the same occasion Mr. HIROTA told me that  
16 when the Cabinet called a meeting of the senior states-  
17 men who had once held the portfolio of Premier to  
18 make a report before them of the Tripartite Pact  
19 immediately after the signing of the said Pact, For-  
20 eign Minister MATSUOKA, according to Mr. HIROTA, was  
21 the principal speaker and explained the Pact article  
22 by article together with circumstances in which the  
23 Pact was concluded, for about two hours. Mr. HIROTA  
24 told me that he put several questions to the above  
25 effect. Mr. MATSUOKA, however, only answered that it



1 was a matter of opinions, and no convincing replies  
2 were obtained.

3 "Of several meetings which I had with Mr.  
4 HIROTA, I remember one which took place on April 16,  
5 1941, when he revealed his feelings that the course  
6 of the foreign policy of the Cabinet seemed very  
7 dangerous, and deplored the fact that he was really  
8 anxious about the future of Japan.

9 "(4) .....

10 "In consideration of such circumstances, the  
11 opinion gradually gained in influence that it would  
12 be more desirable to choose the Premier from among  
13 the generals on the active list, or on the retired list,  
14 who could exercise strong control over the Army. It  
15 was so hoped because they expected that the military  
16 might become the more prudent in their behaviours and  
17 the control over the reckless actions of some military  
18 officers might get the more effectual as a result of  
19 that. Mr. HIROTA also set forth the similar opinion  
20 in our frequent meetings."

21 I understand Mr. Brooks desires to conduct  
22 an examination of the witness.

23 THE PRESIDENT: Mr. Brooks.

24 MR. BROOKS: On behalf of General KOISO, I  
25 would like to ask the witness a question on exhibit

1 was a matter of opinions, and no convincing replies  
2 were obtained.

3 "Of several meetings which I had with Mr.  
4 HIROTA, I remember one which took place on April 16,  
5 1941, when he revealed his feelings that the course  
6 of the foreign policy of the Cabinet seemed very  
7 dangerous, and deplored the fact that he was really  
8 anxious about the future of Japan.

9 "(4) .....

10 "In consideration of such circumstances, the  
11 opinion gradually gained in influence that it would  
12 be more desirable to choose the Premier from among  
13 the generals on the active list, or on the retired list,  
14 who could exercise strong control over the Army. It  
15 was so hoped because they expected that the military  
16 might become the more prudent in their behaviours and  
17 the control over the reckless actions of some military  
18 officers might get the more effectual as a result of  
19 that. Mr. HIROTA also set forth the similar opinion  
20 in our frequent meetings."

21 I understand Mr. Brooks desires to conduct  
22 an examination of the witness.

23 THE PRESIDENT: Mr. Brooks.

24 MR. BROOKS: On behalf of General KOISO, I  
25 would like to ask the witness a question on exhibit



1 2214 which I have asked the Clerk to bring in. I  
2 would like the Page to --

3 (Whereupon, a document was handed  
4 to the witness.)

5 DIRECT EXAMINATION (Continued)

6 BY MR. BROOKS:

7 Q You have been shown exhibit 2214. I wish  
8 you would look at the Japanese copy, Mr. ARITA. In  
9 the second part there is mentioned the name "ARITA" --  
10 it is on the English copy at the bottom of the page --  
11 and in the last paragraph your name is mentioned twice.  
12 On page 2 of the English, last paragraph, it says,  
13 "ARITA declared that this was a dual-purpose action..."  
14 Have you found that, Mr. ARITA?

15 A Yes, the middle of the third page in the  
16 Japanese text.

17 Q Do you find down there, "Finally having been  
18 directed to the China conflict, ARITA emphasized that  
19 Japan's historic and racial mission lay in the estab-  
20 lishment of a New Order in East Asia ..."? Did you  
21 find that, Mr. ARITA?

22 A Yes, I have located the passage.

23 Q Now, do you recall any interview with the  
24 Domei Radio on this point?

25 A When is that?

1 MR. COMYNs CARR: Your Honor, I object to  
2 these questions. Not having had any notice of them,  
3 I haven't got the document here, but I understand that  
4 it doesn't arise in any way out of the witness' pre-  
5 sent affidavit. As I have always understood, counsel  
6 asking supplementary questions are restricted just as  
7 much as counsel cross-examining to matters arising  
8 in the affidavit.

9 THE PRESIDENT: Well, if this witness in a  
10 simple answer can clear up this apparent discrepancy,  
11 let him do so although this is not KOISO's case. We  
12 have all noticed this.

13 MR. BROOKS: I thought it was a matter we  
14 could clear up very shortly, your Honor. It would  
15 save time rather than get an affidavit and have it  
16 sworn to and all that; and I made no claim that it  
17 arose out of the affidavit. I specifically stated  
18 it was on exhibit 2214.

19 THE PRESIDENT: Did you make the statements  
20 attributed to you in the document you have just read?

21 THE WITNESS: I have just been handed this  
22 document. I have not had the time to scrutinize it  
23 closely, so I am unable to make any reply at the pre-  
24 sent juncture.

25 THE PRESIDENT: Well, it is only a short



ARITA

DIRECT

30,011

1 paragraph.

2 MR. BROOKS: May I --

3 THE PRESIDENT: Let him read it.  
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1 Q Do you still have the document?

2 A Yes.

3 Q Well, start there where it has the date 9  
4 May 1932.

5 MR. COMYNS CARR: 1939.

6 Q 9 May 1939; I beg your pardon. From there  
7 on is part of a captured German document.

8 A Do you mean page 2?

9 Q It says page 2. It says "No. 218, 9 May 1939."  
10 Then there is a "25," which does not signify anything,  
11 and then page 2. From there on are the statements attribu-  
12 ted to KOISU attributable to you?

13 A May I read this?

14 Q Yes.

15 A Do you want me to read it aloud?

16 THE PRESIDENT: No.

17 Q No, read it to yourself.

18 A I have read these two pages, that is page 2  
19 and 3, in the Japanese.

20 Q Do you recall making any statements of that  
21 nature?

22 A No, I do not.

23 Q Do you recall talking to any one that could  
24 have transmitted these to Germany by radio or otherwise?

25 A Yes, I have had occasion to talk with members



1 of press agencies, but I have no recollection of making  
2 anything -- saying anything relative to the subject mat-  
3 ter in this particular document.

4 Q Do you have any explanation of why your name  
5 appears in this document after those statements?

6 A I do not. As a matter of fact, this document  
7 has just been handed to me and I have not read all of  
8 it and therefore I am unable to say.

9 MR. BROOKS: If the Court please, I would like  
10 to have the Language Section check. I understand this  
11 is a captured German document. I have just found out  
12 it is in German. I didn't know that originally. It is  
13 in German and seems to be a garbled report. I would  
14 like to have this referred to the Language Section to  
15 check where it says "No. 128" and thereon, to see if there  
16 is any explanation as to whether there is KOISU or ARITA,  
17 or any reasonable explanation of it, because, as I under-  
18 stand, they all deny any knowledge of it.

19 MR. COMYNS CARR: The prosecution has no objec-  
20 tion to the matter being referred to the Language Arbi-  
21 tration Board, if the Tribunal please.

22 THE PRESIDENT: We have no German section of  
23 the Language Board. Is this original in Japanese? Is  
24 there any Japanese version?

25 MR. BROOKS: I understood that the original

1 of press agencies, but I have no recollection of making  
2 anything -- saying anything relative to the subject mat-  
3 ter in this particular document.

4 Q Do you have any explanation of why your name  
5 appears in this document after those statements?

6 A I do not. As a matter of fact, this document  
7 has just been handed to me and I have not read all of  
8 it and therefore I am unable to say.

9 MR. BROOKS: If the Court please, I would like  
10 to have the Language Section check. I understand this  
11 is a captured German document. I have just found out  
12 it is in German. I didn't know that originally. It is  
13 in German and seems to be a garbled report. I would  
14 like to have this referred to the Language Section to  
15 check where it says "No. 128" and thereon, to see if there  
16 is any explanation as to whether there is KOISU or ARITA,  
17 or any reasonable explanation of it, because, as I under-  
18 stand, they all deny any knowledge of it.

19 MR. COMYNS CARR: The prosecution has no objec-  
20 tion to the matter being referred to the Language Arbi-  
21 tration Board, if the Tribunal please.

22 THE PRESIDENT: We have no German section of  
23 the Language Board. Is this original in Japanese? Is  
24 there any Japanese version?

25 MR. BROOKS: I understood that the original



1 document was a captured German document and that the  
2 Japanese was a translation of it. I am not sure.

3 THE PRESIDENT: It seems to be in simple Ger-  
4 man. If there is any doubt about what it means you had  
5 better get a German expert to give evidence.

6 MR. BROOKS: Thank you, your Honor, for your  
7 indulgence. I thought this witness could clear it up.  
8 But I will get a German and try to straighten it out.

9 CROSS-EXAMINATION

10 BY MR. COMYNS CARR:

11 Q Mr. ARITA, there is just one matter I want to  
12 ask you about.

13 At the end of paragraph 2 of your affidavit  
14 you say that you recommended HIROTA as a State Councillor  
15 in March, 1940, because you knew that he was against the  
16 conclusion of the Tripartite Pact between Japan, Germany,  
17 and Italy. On the 10th of August, 1939, which was a  
18 few days before the resignation of the HIRANUMA Cabinet,  
19 in which you were Foreign Minister, was resignation under  
20 discussion and was there discussion as to who should be  
21 the next premier?

22 A I have no knowledge whether there was any in-  
23 dication regarding the resignation of the HIRANUMA Cab-  
24 inet toward the end of its career, that is to say, toward  
25 the end of August.

1 Q On that day, the 10th of August, did you meet  
2 Baron HARADA and say the following to him?

3 MR. COMYNS CARR: Language Division: document  
4 38, the second line, beginning with the inverted commas.

5 Q (Continuing) "The Premier stood up" -- that is,  
6 you were reporting a five-ministers' conference, I suggest--  
7 "The Premier stood up and said, 'The War Minister came  
8 the other day and explained the army proposal. Since we,  
9 the HIRANUMA Government, had recognized the necessity  
10 of a treaty, we had done our utmost according to the pre-  
11 arranged plan. Although the War Minister,' 'that is,  
12 ITAGAKI, says that this, Army's, proposal is not a  
13 hindrance to the pre-arranged plan, I, Premier,' HIRANUMA,  
14 'could not think of it as such.'

15 "The Premier asked all the members of the cabi-  
16 net to ask questions, so various questions were asked.  
17 The contention of the army is that the change of situa-  
18 tion necessitates a military alliance. Its first step  
19 is to follow the pre-arranged plan. In the event that  
20 this cannot be done, the second step, that is, the con-  
21 clusion of a military alliance, is to be followed."

22 Q Did you say that to Baron HARADA on the 10th  
23 of August, 1939?  
24

25 A I do not quite have any definite recollection  
as to that.



1 THE PRESIDENT: We will recess for fifteen  
2 minutes.

3 (Whereupon, at 1445, a recess was taken  
4 taken until 1500, after which the proceedings were  
5 resumed as follows:)

6 MARSHAL OF THE COURT: The International  
7 Military Tribunal for the Far East is now resumed.

8 THE PRESIDENT: Mr. Comyns Carr.

9 BY MR. COMYNS CARR (Continued):

10 Q Mr. ARITA, did you know that at that time, that  
11 is, between the 10th and 12th of August 1939, HIROTA  
12 had informed Prince KONOYE that his opinions on this  
13 question of an alliance-- treaty with Germany were very  
14 similar to the Army's?

15 A No, I did not.

16 Q And for that reason Prince KONOYE was recommend-  
17 ing him as the next Premier?

18 A No, I do not.

19 MR. COMYNS CARR: No further questions.

20 THE PRESIDENT: Mr. Yamaoka.

21 MR. YAMAOKA: If the Tribunal please, there  
22 will be no further examination on behalf of the accused  
23 HIROTA. May the witness be excused on the usual terms?  
24

25 THE PRESIDENT: He is excused accordingly.

(Whereupon, the witness was excused.)

1 MR. YAMAOKA: At this point we had intended  
2 to call Admiral YONAI, Mitsumasa as a witness, but we  
3 find that he is indisposed. I have spoken to my  
4 learned friend Mr. Carr about it and I understand that  
5 he desires to make a statement to the Tribunal, if  
6 your Honor please.

7 MR. COMYNS CARR: May it please the Tribunal,  
8 if Admiral YONAI were here for cross-examination I  
9 should ask him questions on the same lines as I have  
10 put to the last witness. His affidavit deals with the  
11 same matter. But, as there doesn't seem very much  
12 object in postponing the witness' testimony till he is  
13 well again, merely for that purpose, I have no objection  
14 to the affidavit being read. Of course, on the under-  
15 standing that the absence of cross-examination does  
16 not mean acceptance of the testimony.

17 THE PRESIDENT: Yes, Mr. Yamaoka.

18 MR. YAMAOKA: If the conditions set forth by  
19 Mr. Carr are satisfactory to the Tribunal, I should  
20 like to tender into evidence defense document 2575, the  
21 affidavit of Admiral YONAI.

22 THE PRESIDENT: Admitted on the usual terms.

23 CLERK OF THE COURT: Defense document 2575  
24 will receive exhibit No. 3291.

25 (Whereupon, the document above referred



to was marked defense exhibit No. 3291  
and received in evidence.)

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is being by the prosecution, etc., as should be by  
happy to produce. I am not sure that I am not  
at a later date.

I read exhibit 3291.

"Exhibit 3291, which is a letter from  
the President of the United States  
to Mr. Yamaguchi, dated July 14, 1941, and  
the President's reply to Mr. Yamaguchi dated  
July 14, 1941. (Continued.)

"I am in the office of the President from  
January 14, 1941, to July 14 of the same year. Mr.  
Yamaguchi, who was then Ambassador to the United States,  
is located in the city of Washington and is  
exclusively between the President and the Japanese  
his entire life. The President's office is in  
Washington, D.C. and is the only one of its kind  
and it is being destroyed by the Japanese.

Mr. Yamaguchi stated, on that date, that  
affairs that the office of the President is  
and is being destroyed by the Japanese. He stated  
that the President should make the office of the  
President as much as possible. He stated that the  
larger than the office of the President is the office of the

1 MR. YAMAOKA: I desire to state, if the  
2 Tribunal please, that if at any time his presence  
3 is desired by the prosecution, why, we should be very  
4 happy to produce Admiral YONAI for cross-examination  
5 at a later date.

6 I read exhibit 3291:

7 "Deponent: YONAI, Mitsumasa - - "

8 THE PRESIDENT: Omitting the formal parts.

9 MR. YAMAOKA: Yes, omitting the formal part.

10 THE PRESIDENT: "I was in the office" - - "

11 MR. YAMAOKA: (Continuing)

12 "I was in the office of the Premier from  
13 January 16, 1940, to July 22 of the same year. Mr.  
14 HIROTA, Koki, was State-Councillor in my Cabinet while  
15 it lasted. One day during that period we had a talk  
16 exclusively between ourselves when I was informed of  
17 his opinions about the fundamental principles of Japan's  
18 foreign policy. At that time an alliance with Germany  
19 and Italy was being advocated by some of the Japanese.

20 "Mr. HIROTA stated, on that occasion, to the  
21 effect that the safer course for Japan's foreign policy  
22 was to keep contact with Britain and the United States  
23 and that the Cabinet should make the conciliatory atti-  
24 tude clear as soon as possible. He pointed out the  
25 danger that Japan might be involved in the war if she



1 concluded an alliance with Germany and Italy and pro-  
2 fessed that he was absolutely against the conclusion of  
3 the proposed Tri-Partite Pact.

4 "The State-Councillors, however, had no com-  
5 petency to participate in the decision of the Govern-  
6 ment and, accordingly, were not responsible for it.  
7 I listened to the above opinions of Mr. HIROTA as an  
8 instructive information."

9 Mr. HANAI will now continue the case.

10 THE PRESIDENT: Counselor HANAI.

11 MR. HANAI: I should like to call MATSUDAIRA,  
12 Yasumasa as my next witness.

13 - - -

14 Y A S U M A S A M A T S U D A I R A, recalled as  
15 a witness on behalf of the defense, having been  
16 previously sworn, testified through Japanese  
17 interpreters as follows:

18 THE PRESIDENT: You are still on oath.

19 DIRECT EXAMINATION

20 BY MR. HANAI:

21 Q Please state your name and address.

22 A My name is MATSUDAIRA, Yasumasa. My address  
23 is 912 Ueharamachi, Yoyogi, Shibuya-ku, Tokyo.

24 MR. HANAI: May the defense document 2604 be  
25 shown to the witness.

(Whereupon, a document was handed to  
the witness.)

Q Is the document which you hold in your hand,  
the affidavit, your affidavit signed by you?

A Yes.

Q Are the contents true and correct?

A Yes.

MR. HANAI: I present in evidence defense  
document No. 2604.

THE PRESIDENT: Mr. Comyns Carr.

MR. COMYNS CARR: May it please the Tribunal,  
the prosecution objects to paragraph 2 of this affidavit  
on the ground that it merely purports to be information  
obtained from the accused KIDO as to what happened at  
the meeting of senior statesmen on the 29th November  
1941. The written account of the accused KIDO of that  
matter is already in evidence as exhibit 1196, record  
page 10,452. This account therefore is merely repetition  
and if there are any differences, in my submission, it  
is not permissible to contradict KIDO's or supplement  
KIDO's written record of it by this witness' account  
of what KIDO said to him.

THE PRESIDENT: Probative value is the test  
and I suppose we prefer the writing to what this witness  
will tell us he heard from KIDO.



1 MR. COMYNS CARR: For the same reasons we  
2 object to the last sentence in paragraph 3. The  
3 witness doesn't there say where he got his information  
4 from at all as to the Conference of July 17, 1941, but  
5 KIDO's written account of it is exhibit 1117 at record  
6 page 10,166.

7 THE PRESIDENT: As I am reminded, we have  
8 been served with an affidavit by the accused KIDO who,  
9 is going to take the stand, apparently.

10 MR. COMYNS CARR: Yes, your Honor. I prefer  
11 to call it a volume.

12 MR. HANAI: This witness heard these matters  
13 from Marquis KIDO, but in his official capacity in line  
14 of duty.

15 KIDO's Diary, with reference to the Conference  
16 of senior statesmen on 29 November, has been introduced  
17 in evidence as court exhibit 1196, but the interpretation  
18 of the subject matter has been given a mistaken twist  
19 by the prosecutor in submitting the evidence.

20 With reference to court exhibit 1117, relating  
21 to the Jushin or conference of senior statesmen on  
22 17 July 1941, the prosecutor apparently has no accurate  
23 grasp of its contents. The meaning or contents of these  
24 entries are given accuracy only through the testimony  
25 of this witness who has heard of these matters firsthand.

1 THE PRESIDENT: No, he doesn't say so. I  
2 am quite sure that if he heard these things firsthand  
3 he would have said so.

4 THE MONITOR: Slight correction to the last  
5 part of the statement made by defense counsel: The  
6 contents of the entry in the diary becomes accurate  
7 only through this witness -- can be understood accurately  
8 only through this witness.

9 MR. HANAI: This not being the defense of the  
10 accused KIDO, separate facts other than that presented  
11 now, or separate facts will be presented on his behalf  
12 later.

13 THE PRESIDENT: Well, you haven't yet explained  
14 how he can make clear what KIDO left obscure. The  
15 affidavit doesn't suggest that for a moment.

16 MR. HANAI: HIROTA's, his personal and customary  
17 views -- HIROTA's customary and private views should be  
18 voiced at this -- should have been voiced at this  
19 conference. That should appear. And this witness gives  
20 evidence to prove that the thoughts that HIROTA constant-  
21 ly entertained were also voiced at this particular confer-  
22 ence.

23 THE PRESIDENT: He doesn't say KIDO told him  
24 any of these things. He says that he learnt many things  
25 ex officio from the Lord Keeper or from other persons.



1 Who they are, we don't know. That applies to both  
2 statements.

3 MR. HANAI: Of course, the way -- the manner  
4 in which it is written may be different, but by laying  
5 both on the table may we be able to ascertain the true  
6 situation and facts.

7 THE PRESIDENT: Well, the affidavit is rather  
8 remarkable in that it doesn't disclose who his informant  
9 is.

10 The objections are sustained and the document  
11 admitted only to the extent that it is not objected to.  
12 That is a majority decision.

13 CLERK OF THE COURT: Defense document 2604  
14 will receive exhibit No. 3292.

15 (Whereupon, the document above re-  
16 ferred to was marked defense exhibit No. 3292  
17 and received in evidence.)  
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1 MR. HANAI: I shall read exhibit No. 3292.

2 In the second line of the first paragraph of the affi-  
3 davit -- Japanese affidavit, mentions Lord Keeper of  
4 the Privy Seal YUASA and Lord Keeper of the Privy Seal  
5 Marquis KIDO, but the Lord Keeper of the Privy Seal  
6 YUASA has been left out of the English text, and I  
7 should like to incorporate that now. I shall read:

8 "(1) I was in the office of Chief Secretary  
9 under Lord Keeper of the Privy Seal Marquis KIDO from  
10 June 1936 to November 1945, when the system of the  
11 Lord Keeper of the Privy Seal was abolished. And,  
12 accordingly, I learned many things ex-officio from  
13 the Lord Keeper or from other persons with reference  
14 to the progress of the meetings of those senior states-  
15 men xalled 'jushin' and the state councils held in the  
16 presence of His Majesty.

17 "(3) I had often chances to call on Mr.  
18 HIROTA by the orders of the Lord Keeper of the Privy  
19 Seal or to sit with him at various meetings, official  
20 or unofficial. In most of these cases he told me with  
21 regard to the Cabinet, that the state of things at  
22 that time pointed to the necessity of adjusting the  
23 eccentric way of the military, and that, for that  
24 purpose, there was no other way but to have military  
25 leaders occupy the responsible posts and assume the



1 helm of state with a strict control over the military,  
2 and that civil statesmen lacked such capacity. As to  
3 the Imperial Headquarters, he told that its constitu-  
4 tion should be enlarged by appointing some of the se-  
5 nior statesmen as members of its staff, instead of  
6 constituting its staff exclusively with military and  
7 naval officers, as it had included civil elements at  
8 the time of the Russo-Japanese War."

9 I understand there are questions from defense  
10 counsel representing the accused KIDO.

11 MR. HOZUMI: I am Counsel HOZUMI, represent-  
12 ing the accused KIDO. I should like to make a short  
13 direct examination on behalf of KIDO.

14 DIRECT EXAMINATION (Continued)

15 BY MR. HOZUMI:

16 Q Marquis, you stated in the first part of  
17 paragraph 3 of your affidavit that you had from  
18 Mr. HIROTA his opinion with regard to the cabinet  
19 that for the purpose of adjusting the eccentric way  
20 of the military there was no other way but to have  
21 military leaders occupy the responsible posts and  
22 assume the helm of the state with a strict control  
23 over the military. Was Mr. HIROTA one of the Senior  
24 Statesmen when he expressed his opinion to you?

25 A Yes, I heard from him when he was one of the

Senior Statesmen.

1 Q Were you the chief secretary under the  
2 Lord Keeper of the Privy Seal, Marquis KIDO, at that  
3 time?

4 A Yes.

5 Q Did you or did you not report Mr. HIROTA's  
6 opinion to Marquis KIDO, the Lord Keeper of the Privy  
7 Seal?

8 A I reported.

9 Q Did you report to Marquis KIDO prior to  
10 October 17, 1941 when the Senior Statesmen conference  
11 was held after the fall of the third HONOME Cabinet?

12 A Yes, I met Mr. HIROTA. I had met Mr. HIROTA  
13 previously from time to time and I knew that he enter-  
14 tained this opinion so, of course, I made such a  
15 report to the Privy Seal before that date.

16 Q When you reported Mr. HIROTA's opinion to  
17 Marquis KIDO did he just listen or did he do any  
18 talking?

19 A I have no particular recollection of that.

20 MR. HOZUMI: That completes my examination.

21 MR. COMYNS CARR: The prosecution does not  
22 desire to cross-examine.

23 MR. HANAI: May the witness be excused on  
24 the usual terms?  
25



1 THE PRESIDENT: He is released accordingly.

2 (Whereupon, the witness was excused.)

3 MR. YAMAOKA: May it please the Tribunal,  
4 we next offer in evidence defense document 2610,  
5 being the affidavit of Tadeusz Romer, who was the  
6 Polish Ambassador to Japan, reporting certain conver-  
7 sations he had with the accused HIROTA during January  
8 1941.

9 THE PRESIDENT: Admitted on the usual terms.

10 CLERK OF THE COURT: Defense document 2610  
11 will receive exhibit No. 3293.

12 (Whereupon, the document above  
13 referred to was marked defense exhibit  
14 No. 3293 and received in evidence.)

15 MR. COMYNS CARR: One moment, your Honor;  
16 I did not realize that this witness would not be  
17 produced.

18  
19 THE PRESIDENT: The proof, the list of docu-  
20 ments, does not disclose the name of any deponent. I  
21 took it as a document being tendered direct and it is,  
22 is it not? But you thought they were calling him.

23 MR. COMYNS CARR: It purports to be an  
24 affidavit and I understood he was to be called. We  
25 have given no consent to this affidavit's being read  
without cross-examination.

1 THE PRESIDENT: The document for the time  
2 being is not admitted.

3 MR. YAMAOKA: If the Tribunal please, this  
4 affidavit was taken in London on September--

5 THE PRESIDENT: I see that.

6 MR. YAMAOKA: --and subscribed on the 12th  
7 day of September 1947. I believe, if the Tribunal  
8 please, that there are ample precedents in admitting  
9 an affidavit of this nature, especially when the  
10 witnesses live abroad, particularly in the States  
11 or in Europe.

12 THE PRESIDENT: With safeguards, that is so.

13 MR. COMYNS CARR: Your Honor, I do not wish  
14 to be in any way unreasonable about this. If I had  
15 been consulted, possibly I might have consented but  
16 I had no idea they proposed to tender the affidavit  
17 without producing the witness.

18 MR. YAMAOKA: I respectfully submit, if  
19 your Honors please, that during the prosecution's  
20 case similar types of affidavits were accepted, and  
21 we were requested to submit interrogatories, I believe,  
22 if we did desire cross-examination of witnesses who  
23 found it inconvenient or impossible to come here.

24 THE PRESIDENT: Subject to any objections you  
25 have as to the contents of it, Mr. Comyns Carr, we may



1 give you the right, if you wish, to administer  
2 interrogatories because we could hardly bring this  
3 witness across from the Old Country.

4 MR. COMYNS CARR: Yes.

5 Your Honor, I will then deal with it on its  
6 merits.

7 THE PRESIDENT: Have you had a chance to  
8 read it?

9 MR. COMYNS CARR: Yes, I have read it but  
10 I had not been told that he wasn't here.

11 Your Honor, the only material parts of it  
12 are the two extracts from the witness' notes given  
13 in inverted commas. The first is introduced by the  
14 words, "I gather confidentially," and the second is  
15 even more vague because it merely says that, "From  
16 HIROTA's reaction to my picture of the present  
17 political situation in Japan, I could clearly deduce  
18 that he shares my views."

19 In our submission matters of that kind,  
20 especially the second, are too vague to have any  
21 probative value.

22 MR. YAMAOKA: May it please the Tribunal,  
23 I should like to invite the attention of the Tribunal  
24 to Article 13, C-4 of the Charter.

25 THE PRESIDENT: HIROTA was not too articulate

1 on these occasions and the only question is what  
2 probative value opinions expressed in those circum-  
3 stances would have. I should say statements of  
4 attitude, not opinions, because it would not be  
5 admitted as opinions.

6 MR. YAMAOKA: If I may respectfully submit,  
7 if your Honors please, during this period he was an  
8 Elder Statesman and attended the Jushin conferences;  
9 and, as I understand it, from the purport of even  
10 the cross-examination of some of the witnesses who  
11 have just appeared today, there seems to be consider-  
12 able doubt about Mr. HIROTA's attitude in his capac-  
13 ity as a Senior Statesman.

14 THE PRESIDENT: By a majority the objections  
15 are overruled and the document admitted on the usual  
16 terms.

17 CLERK OF THE COURT: It has already been  
18 admitted.

19 MR. YAMAOKA: May I request the number,  
20 please?

21 CLERK OF THE COURT: 3293.  
22  
23  
24  
25



MR. YAMAOKA: I shall read exhibit 3293:

1 "I, the undersigned, Tadeusz Romer, Polish  
2 citizen, born in Antonosz on December 6th, 1894,  
3 inscribed on the residents' lists of the City of  
4 Warsaw, former Polish Minister (26 April 1937 to  
5 1 November 1937) and then Polish Ambassador to Japan  
6 (2 November 1937 to 4 October 1941), former Polish  
7 Ambassador to the U.S.S.R. (2 November 1942 to 26 April  
8 1943), former Foreign Minister in the Polish Government  
9 in London (14 July 1943 to 29 November 1944) and since  
10 then residing in a private capacity at 32 Thornton  
11 Street, London W.8., do make and swear to the follow-  
12 ing statement concerning the indictment as alleged  
13 war criminal of Mr. Koki HIROTA, former Prime Minister  
14 and former Minister for Foreign Affairs of Japan.  
15

16 "My personal friendly relations with Mr.  
17 Koki HIROTA date from the time of my stay in Tokyo  
18 as diplomatic representative of Poland, when, in June  
19 1937, he became Japanese Foreign Minister and retained  
20 that position for nearly a year. Memories of old  
21 standing linked him with Poland for, as a young man,  
22 he had been appointed to accompany Jozef Pilsudski,  
23 later Marshal of Poland, on his tour of Japan in 1905.  
24 It was during HIROTA's term of office and largely owing  
25 to him that on October 1, 1937 the Polish Legation in

1 Tokyo and the Japanese Legation in Warsaw were raised  
2 to the rank of Embassies, in appreciation of the exist-  
3 ing friendly relations between Poland and Japan. In  
4 these circumstances, I had the opportunity of meeting  
5 Mr. HIROTA more frequently, perhaps, than my diplomatic  
6 colleagues, and of conversing with him both officially  
7 and altogether personally on current political matters.

8 "These good relations between us persisted  
9 after Mr. HIROTA's return to private life. We visited  
10 each other, and frequently exchanged views, solely in  
11 an unofficial capacity, of course. From my notes,  
12 upon which I regularly based my reports to my Govern-  
13 ment, and which I was lucky enough to keep by me through-  
14 out my subsequent stay in Japanese-occupied Shanghai,  
15 and later in German-bombed London, I am able to quote  
16 the two following passages, translated from Polish.  
17 They seem to me to throw an interesting light on  
18 Mr. HIROTA's clearly negative attitude towards the  
19 policy of the contemporary Japanese Foreign Minister,  
20 MATSUOKA.

21 "The following excerpt from my notes is dated  
22 21st January 1941. A few days later, I had occasion  
23 confidentially to communicate its subject matter to my  
24 American colleague, Mr. Joseph C. Grew:  
25

" '...I gather confidentially from HIROTA,



1 former Prime Minister and Foreign Minister, and ever a  
2 likely candidate for these posts, that he judges  
3 MATSUOKA's policy with the utmost severity. Accord-  
4 ing to his critical views, Japan by her rushed and  
5 thoughtless access to the Axis Powers has imprudently  
6 and pointlessly deprived herself of all freedom of  
7 manoeuvre. She is being unwillingly forced down a  
8 dangerous slope, where she may one of these days  
9 suddenly find herself in full swing of war against the  
10 United States...'

11 "Several days later, exactly on 30 January 1941,  
12 I had Mr. HIROTA at lunch in my Embassy, together with  
13 Sir John Lathan, the Australian Minister to Japan.  
14 My personal notes contain the following record of our  
15 conversation on that occasion:

16 " '...From HIROTA's reaction to my picture  
17 of the present political situation in Japan, I could  
18 clearly deduct that he shares my views, and is defi-  
19 nitely critical of the policy pursued by the Japanese  
20 Government at present in power....He agrees that a war  
21 with the United States would be fatal to Japan...' "

22 We next offer in evidence another excerpt  
23 from Ambassador Grew's Diary, dated February 1, 1941,  
24 being defense document 206(100).

25 MR. BROWN: Your Honor, the prosecution objects

1 to this document. In the first place, it is plainly  
2 the opinion of Ambassador Grew as to what HIROTA was  
3 saying three years, all but three years, after HIROTA  
4 had ceased to hold office.

5 THE PRESIDENT: Well, there is a statement  
6 "that HIROTA has said MATSUOKA is following a foreign  
7 policy 'fatal to Japan'." That is the one statement  
8 of fact for what it is worth.

9 MR. BROWN: Your Honor, it is admitted that  
10 whatever HIROTA may or may not have said, even in  
11 February 1941, if accurately quoted, and we are not  
12 absolutely certain of that, has no bearing on the  
13 policy pursued when he was a minister **almost** three  
14 years before.

15 THE PRESIDENT: He is not charged as Foreign  
16 Minister. He is charged as an individual, and he is  
17 charged as party to a conspiracy extending over seven-  
18 teen years, and, as I am reminded, he was an Elder  
19 Statesman at that time -- a Senior Statesman or Elder  
20 Statesman, whatever you call it.

21 The objection is overruled except as regards  
22 the first two sentences -- three sentences. **However,**  
23 at all events, the effect is that only the last  
24 sentence is admitted, from "We know that ARITA," down  
25 to "will be followed."



1 CLERK OF THE COURT: Defense document 206(100)  
2 will receive exhibit No. 3294.

3 (Whereupon, the document above re-  
4 ferred to was marked defense exhibit No. 3294  
5 and received in evidence.)

6 MR. YAMAOKA: I shall read exhibit 3294 as  
7 admitted;

8 "JAPANESE-AMERICAN RELATIONS NEVER LOOKED  
9 DARKER.

10 "February 1, 1941.

11 " \* \* \* We know that ARITA has been inter-  
12 pellating the Foreign Minister for days on end; we know  
13 that HIROTA has said that MATSUOKA is following a foreign  
14 policy 'fatal to Japan'; we know, according to several  
15 prominent members of the Diet, that assurances have  
16 quietly been given by the Government that a policy  
17 aimed to avoid a clash with the United States will be  
18 followed."

19  
20 THE PRESIDENT: Have you any further evidence?

21 MR. YAMAOKA: I have no further evidence.  
22 I desire to state at this time, if the Tribunal please,  
23 that upon the advice of his present counsel, the accused  
24 HIROTA will not testify in his own behalf. Relying upon  
25 the evidence presented in the general phases of the  
defense case and upon the evidence adduced in this

1 individual phase, and subject to the further presenta-  
2 tion of affidavits from former Ambassadors Grew and  
3 Bassompierre, and interrogatories from Sir Robert  
4 Craigie, application for which is now pending,  
5 this concludes the case in chief for the accused  
6 HIROTA.

7 THE PRESIDENT: An application for interrog-  
8 atories to Mr. Grew has been before me for some days.  
9 I told my associate to inquire whether it was desired  
10 that I fix a time when it can be heard, and I was  
11 told there was no desire to fix it at present.

12 MR. YAMAOKA: If your Honor please, I believe  
13 that application is for interrogatories to Sir Robert  
14 Craigie.

15 THE PRESIDENT: I think you are right; it is  
16 Sir Robert Craigie, and not Mr. Grew. At all events,  
17 there is an application pending before me for interrog-  
18 atories in the case of the accused HIROTA. I have been  
19 willing to fix a time to hear it but the parties are  
20 apparently not ready. I want to make that clear.  
21 There has been no delay on the part of the Tribunal.

22 MR. COMYNS CARR: Your Honor, this is the  
23 first that I, or so far as I can ascertain, anybody  
24 on the prosecution's side has heard of either or any  
25 of these matters. In our submission, the proper



1 procedure for dealing with these applications for  
2 interrogatories is that the proposed interrogatories  
3 should be served upon the other side.

4 Your Honor, I understand it was served today;  
5 but I did not know anything about it, nor have we  
6 been asked to take any steps as to fixing a time for  
7 it.

8 THE PRESIDENT: We will adjourn until half  
9 past nine Monday morning.

10 (Whereupon, at 1600, an adjourn-  
11 ment was taken until Monday, 6 October, 1947,  
12 at 0930.)  
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